

## TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

### Chapter 2 - ANIMAL IMPORTATION REGULATIONS

001 Statement of Purpose. The purpose of these regulations is to aid in administering the Animal Importation Act, Neb. Rev. Stat. §§54-784.01 to 54-796.

#### 002 Definitions.

002.01 ACCREDITED VETERINARIAN shall mean a veterinarian approved by APHIS in accordance with 9 C.F.R. subchapter J (1994).

002.02 ADMINISTRATOR shall mean the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS), or any person authorized to act for the Administrator.

002.03 ANIMAL shall mean any animal, including poultry, other than man, but shall exclude fish and reptiles Neb. Rev. Stat. §54-786(1).

002.04 APHIS shall mean the Animal and Plant Health Inspection Service of the USDA.

002.05 APPROVED EARTAG shall mean an identification tag approved by APHIS or the Bureau which shall be placed in the ear to identify individual animals.

002.06 BUREAU shall mean the Bureau of Animal Industry of the Department and shall include: (1) state veterinarian, deputy state veterinarian, animal epidemiologist, and any other veterinarians, livestock inspectors, investigators, and other employees all of whom are employed by the Bureau; and (2) veterinarians, animal health technicians, and investigators employed by APHIS and performing duties delegated to them by the Bureau.

002.07 CATTLE shall mean all dairy and beef bovine animals.

002.08 CERTIFICATE OF VETERINARY EXAMINATION or HEALTH CERTIFICATE shall mean a legible record issued by an accredited veterinarian in accordance with the requirements of the state or country of destination, recorded on an official form of the state of origin or an approved USDA form.

002.09 CLASS FREE, CLASS A, CLASS B, AND CLASS C STATE shall mean a state or area so classified by APHIS as provided in 9 C.F.R. §78.1 (1994).

002.10 CODE OF FEDERAL REGULATIONS (C.F.R.) shall mean a codification of the general and permanent rules published in the

*Federal Register* by the executive departments and agencies of the Federal Government revised as of January 1, 1994, copies of relevant sections which are attached and incorporated herein by reference and are hereby adopted and promulgated.

002.11 DEPARTMENT shall mean the Nebraska Department of Agriculture or its authorized agent.

002.12 EXPOSED ANIMAL shall mean any animal that has had contact with an affected herd or infected animal such that transmission of an infective agent may have occurred.

002.13 FEEDING shall mean the conditioning or fattening of animals in a confinement which does not contain growing grass or herbage for nutritional purposes.

002.14 GRAZING shall mean to feed on growing grass or herbage.

002.15 HERD shall mean (1) any group of animals maintained on common ground for any purpose or (2) two or more groups of animals under common ownership or supervision, geographically separated but which have an interchange of animals without regard to whether the animals are infected or exposed.

002.16 HERD BLOOD TEST shall mean a test as so defined in 9 C.F.R. §78.1 (1994).

002.17 IMMEDIATE SLAUGHTER shall mean delivered directly to a recognized slaughter establishment.

002.18 IMPORT QUARANTINE shall mean a restriction placed on animals by the issuance of a document by the Bureau. The quarantine shall restrict the movement of specific animals located in Nebraska or entering Nebraska. The document shall (1) list the animals restricted, (2) the reason for the restriction, (3) the conditions of the restriction, and (4) the conditions to be met to release the restrictions.

002.19 MARKET shall include Livestock Auction Market as defined in the Nebraska Livestock Auction Market Development Act and Livestock Market as defined in the Nebraska Livestock Market Act and markets approved under 9 C.F.R. §§76.18 and 78.44 (1994).

002.20 OFFICIAL CALFHOOD VACCINATE (OCV) shall mean a female bovine or bison which has been vaccinated with *Brucella abortus* Strain 19 vaccine between four (4) months and twelve (12) months of age and identified as provided in 9 C.F.R. §78.1 (1994).

002.21 OFFICIAL EARTAG shall mean an APHIS approved identification eartag conforming to the nine-character alpha-numeric National Uniform Eartagging System which provides unique identification for each animal.

002.22 OFFICIAL IDENTIFICATION shall mean (1) individual identification with an official eartag or a breed registration tattoo or other identification approved by APHIS, which is affixed to an animal and provides identification of such animal, or (2) a premises identification number (tattoo or tag) assigned by APHIS.

002.23 OFFICIAL USDA MARKET BACKTAG shall mean a backtag issued by APHIS for identifying livestock moving in commerce.

002.24 OFFICIAL BRUCELLOSIS TEST shall mean an official test for brucellosis as provided in 9 C.F.R. §78.1 (1994).

002.25 OFFICIAL PSEUDORABIES TEST shall mean an official test for pseudorabies as provided in 9 C.F.R. §85.1 (1994).

002.26 OFFICIAL TUBERCULIN TEST shall mean an official test for tuberculosis as provided in 9 C.F.R. §77.1 (1994).

002.27 OWNER-SHIPPER STATEMENT shall mean a statement signed by the owner or shipper of swine which states: (1) the number of swine to be moved; (2) the purpose for which the swine are to be moved; (3) the points of origin and destination; and (4) the consignor and the consignee, a copy of which is attached and incorporated herein by reference and is hereby adopted and promulgated.

002.28 PERMIT FOR ENTRY OR PERMIT shall mean a premovement authorization for entry into the State of Nebraska obtained from the Bureau. This authorization shall state the conditions under which the movement may be made. The permit number shall be recorded on the Certificate of Veterinary Examination.

002.29 PSEUDORABIES PROGRAM STANDARDS shall mean those standards set forth in the State-Federal-Industry Program Standards for Pseudorabies Eradication, dated January 1, 1994, as approved by the Veterinary Services Division of the Animal and Plant Health Inspection Services (APHIS), an agency of the United States Department of Agriculture, a copy of which is attached and incorporated herein by reference and is hereby adopted and promulgated.

002.30 QUALIFIED PSEUDORABIES-NEGATIVE HERD, QUALIFIED- NEGATIVE GENE-ALTERED VACCINATED HERD, QUALIFIED NEGATIVE GROWOUT HERD, AND PSEUDORABIES-MONITORED FEEDER-PIG HERD shall mean such herd as provided for in the Pseudorabies Program Standards.

002.31 QUARANTINE FACILITY shall mean any enclosure sufficient to prevent animals from coming into physical contact with any other animals or their body excrements.

002.32 SPECIFICALLY APPROVED STOCKYARDS shall mean a premises where cattle or bison are assembled for sale or sale purposes which meet the standards set forth in 9 C.F.R. §78.44 (1994) and is approved by the Administrator.

002.33 STAGE shall refer to the designation I, II, III, IV, and V assigned to a state or area of a state by APHIS with respect to the level of pseudorabies as defined in Part III of the Pseudorabies Program Standards.

002.34 TEST-ELIGIBLE CATTLE shall mean all cattle over eighteen (18) months of age (as evidenced by the loss of the middle pair of temporary incisor teeth) except steers, spayed heifers, official calfhood vaccinates of the dairy breeds under twenty (20) months of age, and official calfhood vaccinates of the beef breeds under twenty-four (24) months of age (as evidenced by the presence of the middle pair of

permanent incisor teeth) which are not parturient or post-parturient.

002.35 UNIFORM METHODS AND RULES (UM&R) shall mean those standards set forth by the United States Department of Agriculture, Animal and Plant Health Inspection Service in Brucellosis Eradication Uniform Methods and Rules dated May 6, 1992, a copy of which is attached and incorporated herein by reference and is hereby adopted and promulgated.

002.36 USDA shall mean the United States Department of Agriculture.

002.37 VS FORM 1-27 shall mean a permit authorizing the movement of diseased or exposed animals, which shall be issued only by an accredited veterinarian or authorized regulatory personnel, a copy of which is attached and incorporated herein by reference and is hereby adopted and promulgated.

002.38 VS FORM 4-33 and VS FORM 4-54 shall mean forms for recording official brucellosis testing, copies of which are attached and incorporated herein by reference and are hereby adopted and promulgated.

003 Administration. These regulations shall be administered by the Department of Agriculture's Bureau of Animal Industry, located in the State Office Building, Fourth Floor, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509-4787. The telephone number is (402) 471-2351. The fax number is (402) 471-3252.

004 Importation of Animals in General.

004.01 No animal that is infected with, exposed to, or suspected of having been exposed to any infectious, contagious, or otherwise transmissible disease, or originates from a quarantined area, herd, or flock, shall be transported into the state, except those animals consigned to immediate slaughter and accompanied by a VS Form 1-27 or Owner-Shipper Statement, and except those animals specifically allowed entry by permit issued by the Bureau under Neb. Rev. Stat. §54-787.

004.02 All animals brought into the state except (a) animals brought directly to a federally inspected slaughter establishment, (b) cattle brought from the farm or ranch of origin directly to a market approved under 9 C.F.R. §78.44 (1994), (c) feeding or breeding swine brought directly from the farm of origin to a market approved under 9 C.F.R. §76.18 (1994), (d) slaughter swine, excluding garbage-fed swine, brought to a market approved under 9 C.F.R. §76.18 (1994), and (e) poultry under eight weeks of age classified prior to movement into Nebraska as pullorum and typhoid clean or equivalent status pursuant to the rules and regulations officially promulgated by the United States Department of Agriculture commonly known as the National Poultry Improvement Plan (NPIP), a copy of which is attached and incorporated herein by reference and is hereby adopted and promulgated, shall be accompanied by a complete and legible Certificate of Veterinary Examination.

004.03 The Certificate of Veterinary Examination shall be signed by an accredited veterinarian who acknowledges the apparent absence of any infectious, contagious, or otherwise transmissible disease. The certificate shall contain the name and address of both consignor and

consignee, the purpose of movement into the state, age, breed, sex, number of animals, the destination in the state, the description of the animals, and the identification and specific disease information for each species as prescribed in 23 NAC 2-005 to 016, below. If a permit for entry is required for movement into the state, the permit number shall be listed on the Certificate of Veterinary Examination. Each Certificate of Veterinary Examination shall be valid for thirty (30) days from date of examination, unless otherwise stated by the Bureau, and no more than one (1) movement into the state. NPIP (National Poultry Improvement Plan) VS FORM 9-3, a copy of which is attached and incorporated herein by reference and is hereby adopted and promulgated, may be used as a Certificate of Veterinary Examination for poultry under eight weeks of age. A copy shall accompany the animal(s) and a copy shall be forwarded to the state of origin.

004.04 Animals entering the state without the proper documents and permit, when required by these regulations, may be held in quarantine at the expense of the owner until released by the Bureau or may be immediately returned to the state of origin.

004.05 No animal or shipment shall be diverted from the Nebraska destination stated on the Certificate of Veterinary Examination, or similar document, except by permit issued by the Bureau.

004.06 All blood samples required for testing animals for movement into the state shall be drawn by or under the supervision of an accredited veterinarian and the tests shall be conducted by a state-federal laboratory or a laboratory approved by the state of origin prior to shipment.

004.07 Requests for permits for entry, when required by these regulations, shall be made to the Bureau, telephone number (402) 471-2351, which permit upon issuance shall be valid for one (1) shipment only.

004.08 Whenever circumstances require an exception to these regulations, such exception may be granted by the Bureau. The exceptions shall be granted only when it is in the best interest of the livestock industry of Nebraska and when it is consistent with sound animal health practices. Applications for an exception shall completely and accurately describe the need for the exception. Exceptions granted shall be in writing although applicants may be advised in advance by telephone or in person that an exception has been granted.

004.09 All animals entering the state shall meet all federal regulations concerning the interstate movement of such animals.

004.10 Animals entering the state which are subject to post-entry import requirements shall be restricted to the location listed on the permit for entry and Certificate of Veterinary Examination until released by the Bureau. Any post-entry testing required to release an import quarantine shall be done at owner expense.

005 Importation of Cattle. In addition to those general requirements contained in 23 NAC 2-004, the following requirements must be met:

005.01 Calves under two-hundred (200) pounds must be individually identified prior to entry with official metal eartags identifying the herd of origin; and

005.01A Originate from the farm or ranch where they were born and move directly to a specifically approved stockyard in Nebraska; or

005.01B They may be imported by state residents, or their agents provided that a permit for entry is first obtained and that the calves are moved directly to the farm named on the permit to be held for a minimum of sixty (60) days.

005.02 Tuberculosis (TB).

005.02A Cattle which originate from a herd not under quarantine for tuberculosis in an accredited-free or modified accredited state, or country recognized by APHIS to be free of TB may be imported without further restriction of this subsection.

005.02B Cattle may enter the state from nonmodified accredited states provided:

005.02B1 They are tested and found to be negative to an official tuberculin test conducted within 60 days prior to entry and the individual official identification shall be recorded on the Certificate of Veterinary Examination; or

005.02B2 They originate from an accredited herd and the herd number appears on the Certificate of Veterinary Examination; or

005.02B3 They move directly to a federally inspected slaughter establishment.

005.03 Brucellosis.

005.03A The following cattle shall be allowed to enter the state with no further restrictions regarding brucellosis:

005.03A1 Steers and spayed female cattle; or

005.03A2 Cattle less than test-eligible age originating from a certified brucellosis-free herd, a Class Free state, a Class A state, or from a country recognized by APHIS as free of brucellosis; or

005.03A3 Test-eligible cattle originating directly from a certified brucellosis-free herd, a Class Free state, or a country recognized by APHIS as free of brucellosis.

005.03B Test-eligible cattle originating from a Class A state must have individual official identification and that number shall be recorded on the Certificate of Veterinary Examination; and

005.03B1 Such cattle originating from a county of a Class A state with no cattle herds quarantined for brucellosis shall be tested and found to be negative to an official test for brucellosis within thirty (30) days prior to entry into Nebraska; or

005.03B2 Such cattle originating from a county of a Class A state with one or more cattle herds quarantined for brucellosis shall be tested and

found to be negative to an official test for brucellosis within thirty (30) days prior to entry into Nebraska; and

005.03B2a A permit for entry is obtained; and

005.03B2b Cattle shall be quarantined at the destination designated on the permit and Certificate of Veterinary Examination until they are retested for brucellosis in not less than sixty (60) days, nor more than one hundred and twenty (120) days after entry into Nebraska. In lieu of a retest, the owner may sign a statement that the cattle will be slaughtered within 180 days of entry into the state. The owner must notify the Bureau when and where the cattle are slaughtered to release the quarantine.

005.03C Cattle from Class B and C states or areas must have individual official identification and that identification number shall be recorded on the Certificate of Veterinary Examination; and

005.03C1 Such cattle which are test-eligible age shall be tested and found to be negative to an official test for brucellosis within thirty (30) days prior to entry into Nebraska; and

005.03C1a A permit for entry is obtained; and

005.03C1b Such cattle shall be quarantined at the destination designated on the permit and the Certificate of Veterinary Examination until they are retested for brucellosis in not less than sixty (60) days, nor more than one hundred and twenty (120) days after entry into Nebraska. In lieu of a retest, the owner may sign a statement that the cattle will be slaughtered within one hundred and eighty (180) days of entry into the state. The owner shall notify the Bureau when and where the cattle are slaughtered to release the quarantine.

005.03C2 Such cattle less than test-eligible age may enter the state provided:

005.03C2a A permit for entry is obtained; and

005.03C2b Such cattle shall be quarantined at the destination designated on the permit and the Certificate of Veterinary Examination, and kept separated from other female cattle until moved to immediate slaughter, or until tested and found to be negative on two official brucellosis tests conducted at least ninety (90) days apart.

005.04 Rodeo Bulls. Test-eligible rodeo bulls from a herd not known to be affected with brucellosis may move into Nebraska provided:

005.04A The bull(s) are tested and found negative to an official brucellosis test conducted less than three hundred and sixty-five (365) days before the date of interstate movement; and

005.04B The bull(s) are identified with an official eartag; and

005.04C No change of ownership since the date of the last official test; and

005.04D A Certificate of Veterinary Examination accompanies the movement of the bull(s) into Nebraska; and

005.04E A permit has been issued within thirty (30) days prior to entry and the permit number is listed on the Certificate of Veterinary Examination.

005.05 Commuter/Grazing Permits. The Bureau may enter into written agreements with adjacent states setting forth conditions under which commuter and grazing permits may be issued. Movement of cattle for such purposes shall be in accordance with 9 C.F.R. §78.9 (1994).

005.06 Cattle of Mexico origin shall meet the requirements in 23 NAC 2-013.

006 Importation of Swine. In addition to those general requirements contained in 23 NAC 2-004, the following requirements must be met:

006.01 General Requirements.

006.01A Feral swine shall mean swine that have lived any part of their lives as free-roaming swine and as such are prohibited from entering Nebraska. Feral swine may be reclassified as domestic swine by a negative official brucellosis and pseudorabies test conducted after at least sixty (60) days of confinement, separate and apart from any infected or free-roaming swine. Swine which have met these requirements may enter the state provided they meet the criteria for importation of breeding swine in 23 NAC 2-006.03.

006.01B Swine shall not move through more than one concentration point or market. The movement from the farm of origin to the Nebraska destination shall be completed in not more than five (5) days; and

006.01C All swine imported for feeding or breeding must have official identification and the identification must be recorded on the Certificate of Veterinary Examination.

006.02 Feeder Swine.

006.02A Feeder swine imported into Nebraska shall be accompanied by a Certificate of Veterinary Examination stating that such swine are from:

006.02A1 A segregated group that has been tested in its entirety and all the swine in the group are found to be negative by an official pseudorabies test conducted within thirty (30) days prior to movement; or

006.02A2 A pseudorabies-monitored feeder-pig herd; or



006.02A3 A qualified pseudorabies-negative herd; or

006.02A4 A qualified-negative gene-altered (g1 deletion) vaccinated herd; or

006.02A5 A qualified negative growout herd; or

006.02A6 A herd which is located in a state or area of a state which is classified as Stage III, IV, or V, or a country recognized by APHIS as being free of pseudorabies.

006.02B A permit for entry is required for all feeding swine originating from a state or area of a state which is classified as Stage I or II, or a country not recognized by APHIS as being free of pseudorabies.

006.02C Feeder swine are to remain at the farm or feedlot of destination until such animals move for slaughter. Movement for other than slaughter must be approved by the Bureau.

006.03 Breeding Swine.

006.03A Breeding swine imported into Nebraska shall be accompanied by a Certificate of Veterinary Examination stating:

006.03A1 Brucellosis requirements. Swine over four (4) months of age must be tested and found to be negative to an official brucellosis test within thirty (30) days prior to entry, or must originate directly from:

006.03A1a A validated brucellosis-free herd; or

006.03A1b A validated brucellosis-free state; or

006.03A1c A country recognized by APHIS to be free of brucellosis.

006.03A2 Pseudorabies requirements. Swine any age must have been tested and found to be negative for pseudorabies within thirty (30) days prior to entry, or originate directly from:

006.03A2a A qualified pseudorabies-negative herd; or

006.03A2b A qualified-negative gene-altered (g1 deletion) vaccinated herd; or

006.03A2c A qualified negative growout herd; or

006.03A2d A state or area of a state classified as Stage IV or V, or a country recognized by APHIS as being free of pseudorabies.

006.03B A permit for entry is required for all breeding swine originating from a state or area of a state which is classified as Stage I, or II, or a country not recognized by APHIS as being free of pseudorabies.

006.03C Swine imported for breeding purposes from a state or area of a state classified as Stage I, or II, or a country not recognized by APHIS to be free of pseudorabies shall be isolated and quarantined and a portion of the consignment equal to the pseudorabies- monitored feeder-pig herd sample as established by Pseudorabies Program Standards shall be retested for pseudorabies in not less than fifteen (15), nor more than forty-five (45) days after arrival in Nebraska.

007 Importation of Sheep and Goats. In addition to those general requirements contained in 23 NAC 2-004, the following requirements must be met:

007.01 Sheep and goats may enter the state when they are accompanied by a Certificate of Veterinary Examination which certifies that such sheep or goats did not originate from flocks known to be scrapie infected flocks or scrapie source flocks.

008 Importation of Equidae. In addition to those general requirements contained in 23 NAC 2-004, the following requirements must be met:

008.01 Equidae shall be accompanied by a Certificate of Veterinary Examination which certifies that such equidae, originating from states other than Montana, Minnesota, Wyoming, North Dakota, South Dakota, Colorado, Kansas and Iowa, have been tested and found negative for Equine Infectious Anemia (EIA) within one (1) year of shipment into the State of Nebraska, except that foals under six months of age shall be exempt from this requirement. The name of the laboratory performing the EIA test and date of such test shall be stated on the Certificate of Veterinary Examination.

009 Importation of Dogs and Cats. In addition to those general requirements contained in 23 NAC 2-004, the following requirements must be met:

009.01 All dogs and cats entering the state shall be accompanied by a Certificate of Veterinary Examination which certifies such dog or cat is currently immunized against rabies; or

009.02 Dogs and cats not vaccinated for rabies imported into the state shall be vaccinated against rabies within thirty (30) days after arrival, in accordance with Neb. Rev. Stat. §§71-4401 to 71-4412 and the rules and regulations adopted and promulgated thereunder by the Nebraska Department of Health. All inquiries concerning rabies vaccination should be made to the Department of Health which is located in the State Office Building, Third Floor, 301 Centennial Mall South, Lincoln, Nebraska 68509. The telephone number is (402) 471-2133.

010 Importation of Poultry. In addition to those general requirements contained in 23 NAC 2-004, the importation requirements for poultry to control and eradicate hatchery-disseminated diseases shall be as prescribed by the Nebraska Poultry Disease Control Act, Neb. Rev. Stat. §§2-

3001 to 2-3008, and 23 NAC 9, adopted thereunder.

011 Importation of Bison (American Buffalo). In addition to those general requirements contained in 23 NAC 2-004, the following requirements must be met:

011.01 Bison may enter the state when they are accompanied by a Certificate of Veterinary Examination which certifies the following:

011.01A Brucellosis requirements as set forth in 23 NAC 2-005.03 have been met, except 005.03B2 shall not apply to bison; and

011.01B Individual official identification is recorded on the Certificate of Veterinary Examination for each animal; and

011.01C All bison twelve (12) months of age and older shall be tested and found to be negative to an official tuberculin test within sixty (60) days of importation into Nebraska or originate from an accredited herd with the herd number recorded on the Certificate of Veterinary Examination.

012 Importation of Llamas. In addition to those general requirements contained in 23 NAC 2-004, the following requirements must be met:

012.01 Llamas shall be accompanied by a Certificate of Veterinary Examination which certifies the following:

012.01A Each animal's individual identification which may be an official eartag, tattoo, or electronic identification; and

012.01B Llamas over six (6) months of age have been tested and found to be negative to an official tuberculin test within sixty (60) days prior to entry which shall be so stated on the Certificate of Veterinary Examination.

013 Importation of Mexico Origin Cattle. In addition to those general requirements contained in 23 NAC 2-004, cattle which have lived any part of their lives in Mexico may enter the state provided they are accompanied by a Certificate of Veterinary Examination and the following requirements are met:

013.01 All such cattle have entered the United States by meeting the pertinent requirements of 9 C.F.R. §§92.424, 92.425, 92.426, 92.427, and 92.429 (1994); and

013.02 A permit for entry shall be obtained for such cattle except for cattle moving to immediate slaughter; and

013.03 All such cattle are individually identified by an official USDA eartag or an official eartag issued by the Mexican Ministry of Agriculture and Water Resources (SARH). The individual official identification shall be recorded on the Certificate of Veterinary Examination.

013.04 Brucellosis requirements (except steers and spayed female cattle).

013.04A All female cattle over four (4) months of age, shall be officially calfhood vaccinated; and

013.04A1 All cattle which are test-eligible age must be tested and found to be negative to an official brucellosis test conducted within thirty (30) days prior to entry into Nebraska and remain at the Nebraska destination under quarantine until they are subjected to an official brucellosis test conducted at least sixty (60) but not more than one hundred and twenty (120) days after entry into Nebraska. In lieu of a retest, the owner may sign a statement that the cattle will be slaughtered within 180 days of entry into the state. The owner must notify the Bureau when and where the cattle are slaughtered to release the quarantine; or

013.04A2 All cattle which are less than test-eligible age, may enter Nebraska provided such cattle must remain at the destination in Nebraska under quarantine until they are moved to slaughter, or become test-eligible age and are subjected to an official brucellosis test conducted at least sixty (60) but not more than one hundred and twenty (120) days after entry into Nebraska.

013.05 Tuberculosis requirements.

013.05A All cattle must be subjected to an official tuberculin test and found to be negative within sixty (60) days prior to entry into Nebraska. Such cattle shall remain at the Nebraska destination under quarantine until they have been subjected to an official tuberculin test conducted at least sixty (60) days after the date of the importation tuberculin test, but not more than one hundred and twenty (120) days after entry into Nebraska; except

013.05B Steers and spayed female cattle may move to a feedlot in Nebraska where adequate separation is maintained to prevent contact with animals being fed for purposes other than slaughter. Such cattle will be placed under an import quarantine until moved to slaughter. The person responsible for the cattle, shall notify the Bureau when, and where the cattle are slaughtered; except

013.05B1 Steers and spayed female cattle which have been tested and found negative to an official tuberculin test conducted at least sixty (60) days after the date of the importation test, may move into Nebraska for grazing or feeding with no further restrictions regarding tuberculosis.

014 Importation of Cervidae. In addition to those general requirements contained in 23 NAC 2-004, the following requirements must be met:

014.01 Cervidae (with the exception of white-tail deer and red deer, or any of their hybrids) may enter the state, other than for slaughter, when they are accompanied by a Certificate of Veterinary Examination; and

014.01A A permit for entry is issued by the Bureau, (an importer moving elk or mule deer into the state must have a Nebraska Game and Parks commercial game farming permit prior to receiving an import permit from the Bureau); and

014.01B The cervidae must be individually identified by official identification tags or other identification approved by the Bureau and such identification number must be recorded on the Certificate of Veterinary Examination.

014.01C Brucellosis requirements.

014.01C1 Cervidae over six (6) months of age must be tested and found to be negative for brucellosis within ninety (90) days prior to entry.

014.01D Tuberculosis requirements.

014.01D1 All cervidae over six (6) months of age being moved into Nebraska, shall be separated from untested animals and subjected to two official tuberculosis tests (cervidae) and found to be negative. Such tests shall be at least ninety (90) days, but not more than three hundred and sixty-five (365) days apart with the last test being within ninety (90) days prior to entry into the state; or

014.01D2 All cervidae over six (6) months of age being moved into the state shall be subjected to an official tuberculin test for cervidae and found to be negative within ninety (90) days prior to entry into the state provided:

014.01D2a Such cervidae originate from an accredited herd (cervidae) or a herd in which all animals over six (6) months of age have been tested with an official tuberculin test and found to be negative within one (1) year prior to entry into the state; or

014.01D2b All such cervidae shall be quarantined at the destination designated on the permit and the Certificate of Veterinary Examination until they are retested for tuberculosis using an official tuberculin test for cervidae in not less than ninety (90) days nor more than three hundred and sixty-five (365) days from time of entry into the state.

015 Importation of Exotic Animals. In addition to those general requirements contained in 23 NAC 2-004, the following requirements must be met:

015.01 A permit for entry must be obtained from the Bureau prior to each shipment; and

015.02 In addition to the above requirements, these animals shall meet any requirements of the United States Fish and Wildlife Service and the Nebraska Game and Parks Commission. Game and Parks Commission regulations provide that it shall be unlawful to import into the state Asian raccoon dogs, white-tail deer, and red deer or any of its hybrids, and

wild pigs. (See Title 163, Chapter 6, Nebraska Game and Parks Commission - Wildlife, Keeping Wildlife in Captivity, 008.08 Restricted Species.)

016 Publications Adopted. See Appendix A through I.

017 Annotation. Neb. Rev. Stat. §§54-784.01 to 54-796, §§54-701 to 54-705, §54-753.05, §54-1370, §54-1509, and §54-1517 (Reissue 1988, Cum. Supp. 1992, and Supp. 1993).

## APPENDIX

A. VS Form 9-3

B. VS Form 1-27

C. VS Form 4-54

D. VS Form 4-33

E. Pseudorabies Eradication (State-Federal-Industry Program Standards) effective January 1, 1994, edition

F. National Poultry Improvement Plan

G. Owner-Shipper Statement

H. Brucellosis Eradication (Uniform Methods and Rules) effective May 6, 1992, edition

I. Code of Federal Regulations, relevant sections of Title 9

## NEBRASKA ADMINISTRATIVE CODE

LAST DATE AMENDED: September 19, 1983

## TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

### Chapter 3 - CATTLE BRUCELLOSIS REGULATIONS

001 Statement of Purpose. The purpose of these regulations is to aid in administering the Nebraska Bovine Brucellosis Act, Neb. Rev. Stat. §§54-1367 to 54-1384.

002 Administration. These regulations are administered by the Department of Agriculture's Bureau of Animal Industry, fourth floor, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, NE 68509-4787. The telephone number is 402/471-2351, or fax number (402) 471-3252.

003 Definitions.

003.01. The term Act shall mean the Nebraska Bovine Brucellosis Act, Neb. Rev. Stat. §§54-1367 to 54-1384.

003.02. The terms defined in the Act shall have the same meaning in these regulations.

003.03. Bureau shall mean the Department of Agriculture's Bureau of Animal Industry.

003.04. Cattle shall mean cattle and bison.

003.05. Class Free, Class A, Class B, or Class C State shall mean a state or area classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS), based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

003.06. Test eligible cattle shall mean all cattle over eighteen (18) months of age (as evidenced by the loss of the middle pair of temporary incisor teeth) except steers, spayed heifers, official calfhood vaccinates of the dairy breed under twenty (20) months of age, and official calfhood vaccinates of beef breeds under twenty-four (24) months of age (as evidenced by the presence of the middle pair of permanent incisor teeth) which are not parturient or post parturient.

004 Market Livestock Testing Program.

004.01 Statutory Reference. Neb. Rev. Stat. §54-1369.

004.02 Market Livestock Defined. For purposes of the market livestock testing program, market livestock shall mean all test eligible cattle which originate from a Class A or B state, or from a herd of unknown status.

004.03 Testing Required.

004.03A. All market livestock moving for other than immediate slaughter shall be tested for brucellosis in the manner required herein whenever sold, bartered, leased, or otherwise traded at an auction market, a livestock market, by a livestock dealer, or at private treaty.

004.03B. All test eligible cattle moving to a federally approved slaughter establishment shall be subjected to testing at the federally approved slaughter establishment according to USDA/APHIS/VS procedures.

004.04 Time of Testing. When market livestock are sold, bartered, leased, or otherwise traded through an auction market, livestock market, by a livestock dealer, or at private treaty, the required brucellosis test shall be conducted within 30 days prior to the transaction at seller's expense. In the case of a sale to slaughter, the blood samples are to be drawn at the time of slaughter and sent to the Bureau's Livestock Disease Control Laboratory for testing within 72 hours. The mailing address of the Laboratory is P.O. Box 94787, Lincoln, NE 68509-4787.

004.05 Responsibility for Testing. When market livestock are sold, bartered, leased, or otherwise traded through an auction market, livestock market, or by a livestock dealer, the responsibility for having the required brucellosis test conducted shall be borne by the licensee of the market or the licensed dealer. When market livestock are sold, bartered, leased, or otherwise traded at private treaty, the responsibility for having the required brucellosis test conducted shall be borne by the seller. When market livestock and other test eligible cattle are sold to slaughter, the responsibility for drawing the blood samples and sending them to the Livestock Disease Control Laboratory for testing shall be borne by the slaughter establishment or the USDA/APHIS/VS blood contractor.

004.06 Approved Tests. When brucellosis testing is performed at an auction market, livestock market, or dealer concentration point, the card test shall be the official market test. The Cite® test may be used as a supplemental test. The testing of livestock blood samples collected at slaughter is to be performed by the Livestock Disease Control Laboratory or other USDA/APHIS/VS laboratory.

004.07 Sample Handling. All blood samples sent to the Livestock Disease Control Laboratory for initial testing or confirmation testing shall be submitted within 72 hours following the collection of the samples. Reasonable care shall be taken to protect the samples to secure their usefulness.

004.08 Certification of Persons Conducting Tests. All persons conducting brucellosis testing must be certified beforehand by the Bureau of Animal Industry as being competent and proficient. Persons so certified shall be issued a letter of certification (certificate) by the Bureau which shall be valid unless revoked by the Bureau for just cause, following an opportunity for a hearing. Certificates shall show which tests the holder has been found competent and proficient to perform.

004.08A Revocation of Certificates. The Bureau shall periodically review and verify the competency and proficiency of all persons holding certificates hereunder. Persons shall be evaluated with respect to their ability to properly run the brucellosis tests, their ability to properly protect samples being sent in for initial or confirmation testing, and their compliance with the provisions of the Act and these regulations. Where the Bureau has reasonable cause to believe that a certificate holder is no longer competent or proficient, it may, after affording the certificate holder an opportunity for a hearing, revoke the certificate or, in lieu thereof, require the certificate holder to be retrained in the conduct of the test as specified by the Bureau.

004.08B Initial Issuance of Certificates. Applicants for certificates to conduct brucellosis tests shall make application to the Bureau. Applicants shall be evaluated and, if necessary, trained by the Bureau in the proper conducting of brucellosis tests and the proper handling of



blood samples.

004.09 Test Results. The results of brucellosis tests conducted on market livestock sold, bartered, leased, or otherwise traded through auction markets, livestock markets, by a livestock dealer, or at private treaty shall be official for purpose of authorizing the immediate movement of the livestock, but shall thereafter be subject to confirmation at the Livestock Disease Control Laboratory. Persons conducting tests shall be responsible to see that blood samples are submitted for confirmation testing. The results of confirmation tests can be obtained by calling the Bureau at 402/471-2351.

004.10 Reporting of Brucellosis Tests. The results of brucellosis tests conducted on market livestock sold, bartered, leased, or otherwise traded through auction markets, livestock markets, by a livestock dealer, or at private treaty shall be recorded on a Brucellosis Test Record (VS Form 4-54 or VS Form 4-33), attached to these regulations as Appendix A and Appendix B and incorporated herein by reference. The Brucellosis Test Record shall be completed by or under the supervision of the person who has conducted the test. The form shall be completed as fully as possible and shall include the following information: name and address of owner of livestock; number age, breed, sex and all identification of livestock; the date, place and reason for the test; the type of test and tube numbers; the test results, unless they are to be determined by the Livestock Disease Control Laboratory; the name of the person running the test; and the certificate number of the person running the test. When the person running the test is a veterinarian, the certificate number and the person's Vet Code Number will be the same. A copy of the Brucellosis Test Record shall accompany all blood samples sent into the Livestock Disease Control Laboratory.

#### 005 Brucellosis Eradication Program.

005.01 Statutory Reference. Neb. Rev. Stat. §54-1370.

005.02 Eligible Animals Defined. For purposes of the brucellosis eradication program, the term eligible animals shall have the meanings set forth below, depending upon the relevant circumstances:

005.02A Exposed Animals or Herd. In cases involving exposed animals or an exposed herd, eligible animals shall mean all non-spayed female cattle and bulls over 24 months of age, and all heifers over 18 months of age unless they are official calfhood vaccinates and are not parturient or post parturient.

005.02B Infected Animals or Herd. In cases involving infected animals or an infected herd, eligible animals shall mean all cattle over 6 months of age except steers, spayed heifers, official calfhood vaccinates of the dairy breeds under 20 months of age, and official calfhood vaccinates of the beef breeds under 24 months of age (as evidenced by the presence of the first pair of permanent incisor teeth) which are not parturient or post parturient.

005.02C Imported Animals. In cases involving animals imported into Nebraska in violation of the importation or brucellosis laws or regulations, eligible animals shall mean:

005.02C1. Female feeder cattle over 18 months of age that are not vaccinated,

005.02C2. Official vaccinates of the dairy breeds over 20 months of age, unless they are parturient or post parturient,

005.02C3. Official vaccinates of the beef breeds over 24 months of age unless they are parturient or post parturient, and

005.02C4. Bulls over 18 months of age.

005.02D Dairy Herds. In dairy herds, eligible animals shall also mean animals in herds that have been tested suspicious or positive to a brucellosis ring test.

005.03 Testing Required. All eligible animals shall be tested for brucellosis in the manner prescribed herein.

005.04 Time of Quarantining. Eligible animals as described under 005.02A and D shall be quarantined within 30 days following knowledge of the exposure. Eligible animals as described under 005.02B, and 005.02C shall be quarantined immediately. When the testing requirements set out under 005.05 are satisfactorily completed, the quarantine shall be released.

005.05 Time of Testing.

005.05A. Except as provided under 005.05B, below, eligible animals as described under 005.02A, C and D shall be tested within 30 days of issuance of the quarantine. If, in the course of the testing, a reactor is disclosed, the herd shall be treated as an infected herd under 005.05C, below.

005.05B. Eligible cattle from a Class B state which are not official calfhood vaccinates, and which are of the type described under 005.02C, above, shall be quarantined, tested and retested within 45 and 120 days. If, in the course of the testing, a reactor is disclosed, the herd shall be treated as an infected herd under 005.05C, below.

005.05C. Eligible animals as described under 005.02B shall be tested within 30 days of the knowledge of the infection and at 30 to 60 day intervals thereafter until there has been a negative test. After the first negative test, testing will be at 90 day intervals. If the next test discloses reactors, testing will return to 30 to 60 day intervals. For the quarantine to be released, two consecutive negative tests are required. The second consecutive negative test must be not less than 180 days after the last reactor has been removed from the herd. In herds that have had a Brucella field strain isolate, clinical symptoms, or evidence of spread of infection during or immediately prior to the quarantine period, a third negative test shall be required not less than 300 days nor more than 360 days after the last reactor has been removed. The quarantine shall be released, however, after the second negative test, whether or not a third negative test is required in the herd.

005.05D. Eligible animals as described under 005.02D shall be tested within 30 days of completion of the brucellosis ring test. If the test is negative, the quarantine shall be released. If reactors are disclosed, the herd shall be treated as an infected herd under 005.05C, above.

005.05E. The time frames for testing set out above, may be modified under extenuating circumstances, with the written permission of the Bureau.

005.06 Responsibility for Testing. The testing required under 005.05, above, shall be the responsibility of the owner of the cattle.

005.07 Approved Tests.

005.07A. If requested by the owner of the cattle to be tested, the cattle will be tested in the field by the card test. This test is not official, but is for the sole purpose of identifying reactors.

005.07B. All cattle will be tested using the protocol established by the designated brucellosis epidemiologist. Cattle tested under this protocol will be classified as negatives, suspects, or reactors through the use of supplemental tests approved by the United States Department of Agriculture and prescribed in its Uniform Methods and Rules for Brucellosis Eradication.

005.07C. The Brucellosis Ring Test is an official test for the purpose of identifying negative herds only. Brucellosis ring tests shall be performed four times per year on milk and cream samples from all dairy herds in the state. If any results are suspicious or positive, further testing shall be required.

005.08 Sample Handling. All blood samples sent to the Livestock Disease Control Laboratory for testing shall be sent in within 72 hours following the taking of the samples. Reasonable care shall be taken to protect the samples to secure their usefulness.

005.09 Certification of Persons Conducting Tests.

005.09A. All testing under the Brucellosis Eradication Program shall be performed by State or Federal regulatory personnel or persons acting at the direction of such personnel. Except for field tests requested by cattle owners, all tests shall be performed at the Livestock Disease Control Laboratory.

005.09B. All persons conducting brucellosis testing under the Brucellosis Eradication Program shall be certified in the manner prescribed in 004.08, above, which provisions shall be fully applicable under this program.

005.10 Test Results. In the case of animals tested positive to the card and Cite® Test, and later classified based upon the results of supplemental tests, the classification arrived at through the epidemiological evaluation of the Bureau shall be deemed to be official.

005.11 Herd Additions. Female cattle other than natural herd additions (born into the herd) shall not be allowed in a quarantined herd.

005.12 Quarantine Modifications. The Bureau shall be authorized to modify the terms of any quarantine issued by it when:

005.12A. It is in the best interests of the livestock industry, and

005.12B. To do so is consistent with sound animal health practices.

005.13 Area Testing. The Bureau shall be authorized to conduct area brucellosis testing in specifically defined geographic areas when a herd or multiple infected herds have been disclosed within the area, thus constituting a threat to the health of the overall livestock population of the area.

006 Handling of Animals to be Tested.

006.01 Statutory Reference. Neb. Rev. Stat. §54-1371.

006.02 Penalty. The penalty for conviction of a Class IV Misdemeanor under the above-referenced section of the Act is a fine of not less than \$100 nor more than \$500.

006.03 Penalty Fees. The penalty assessed under subsection (3) of the above-referenced section of the Act shall be 25% of the amount due for each 30 days of delinquency.

007 Branding of Reactors and Movement to Slaughter.

007.01 Statutory Reference. Neb. Rev. Stat. §54-1372.

007.02 Properly Branded. For cattle to be deemed to have been properly branded, they must be hot branded on the left jaw with the letter B of a minimum size of 2 inches by 2 inches. The cattle shall be branded by or at the direction of the owner of the cattle, and under the supervision of a representative of the Bureau. The branding shall be performed within 15 days of the date of completion of the official test unless a written extension of time is granted by the Bureau under extenuating circumstances. Extensions must be applied for in writing, and must demonstrate good cause for needing the extension. No extension shall exceed an additional 15 days.

007.03 Promptly Moved. Cattle shall be moved to slaughter within 15 days after being properly branded. Extensions may be obtained hereunder in the manner prescribed under 007.02, above.

007.04 Handling of Reactors. All reactor cattle shall be kept isolated.

008 Moving Exposed Cattle in Commerce.

008.01 Statutory Reference. Neb. Rev. Stat. §54-1373.

008.02 Movement to Slaughter from Infected Herds. When exposed cattle from an infected herd are moved to slaughter or to a quarantined feedlot, they must either move in sealed trucks or be branded. When moving, the cattle must be accompanied by a properly completed form known as a VS 1-27 attached to these regulations as Appendix C and incorporated herein by reference. It is the responsibility of the owner of the cattle to see that the inspecting veterinarian or regulatory personnel completes the form and causes copies to be distributed and filed as required.

008.03 Movement to Slaughter from Herds Not Known to be Infected. When exposed cattle from herds not known to be infected are moved to slaughter or to a quarantined feedlot, they must be identified by either backtags or eartags. The animals shall be accompanied by a VS 1-27 completed as prescribed under 008.02, above.

008.04 Branding. When cattle are to be branded under 008.02, above, they shall be hot branded with the letter "S", at least 2 inches by 2 inches in size, on either the left jaw or high on the tailhead. The branding shall be by or at the direction of the owner of the cattle, and under the supervision of a representative of the Bureau.

008.05 Other Movements of Exposed Cattle. When exposed cattle are moving in commerce other than to slaughter or to a quarantined feedlot, the following requirements shall apply:

008.05A Interstate Movement. For movements out of state, the cattle shall move on a VS 1-27 if permission for the movement has been obtained from the animal health officials of the state of destination. If the movement is from a market, the market veterinarian shall properly complete the VS 1-27. In all other movements, the form shall be completed by the Bureau.

008.05B Intrastate Movement. For movements within the state, the cattle shall move on a quarantine. If the movement is from a market, the market veterinarian shall properly issue the quarantine. In all other movements, the quarantine shall be issued by the Bureau.

008.06 Handling. Whenever exposed cattle are moving in commerce, they shall not be mingled with nonexposed animals.

008.07 Identification. Whenever exposed cattle are moving in commerce, they shall be identified by eartag or backtag. The identification shall be clearly and completely recorded on the pertinent movement documents.

## 009 Movement of Suspect Animals.

009.01 Statutory Reference. Neb. Rev. Stat. §54-1382.

009.02 Interstate. All suspects shall move on a form VS 1-27, properly identified with an "S" brand.

009.03 Intrastate. All suspects shall move on a form VS 1-27, being identified with either an "S" brand or a suspect tag.

## 010 Cleaning and Disinfecting.

010.01 Statutory Reference. Neb. Rev. Stat. §54-1374.

010.02 Requirement. Except as provided in 010.03, below, all premises where reactor cattle have been held shall be cleaned and disinfected by and at the expense of the owner of the cattle within 15 days following the removal of the reactors. Compliance with this requirement will be verified by the conduct of an inspection at the time of or shortly after completion of the work. Only disinfecting solutions approved by the Environmental Protection Agency or the Bureau may be used, and the use must be in accordance with all label directions.

010.03 Exceptions. The provisions of 010.02, above, shall not apply to pastures or large yard areas.

## 011 Official Brucellosis Calfhood Vaccination Program.

011.01 Statutory Reference. Neb. Rev. Stat. §54-1375.

011.02 Requirement. In order for an animal to be deemed to be an official vaccinate under the brucellosis program, the vaccination of the animal must be in conformity with the following provisions:

011.02A. The animals must be female, and between the ages of 4 and 12 months.

011.02B. The animal must be vaccinated with an approved Brucella Vaccine. The handling, storage and administration of the vaccine, including the dosage, shall be in conformity with the instructions on or accompanying the vaccine.

011.02C. The vaccinations must be administered by Nebraska licensed and accredited veterinarians.

011.02D. The vaccinations shall be recorded and reported on the form VS 4-26, attached to these regulations as Appendix D and incorporated herein by reference. The form must be filed with the Bureau within 15 days following administration of the vaccine.

011.02E. The vaccinated animals must be identified as follows:

011.02E1. All animals shall be permanently identified by an official vaccination tattoo in the right ear, in a manner conforming with the provisions of the Uniform Methods and Rules for Brucellosis Eradication.

011.02E2. In addition to the identification required under 011.02E1, above, registered animals shall be further identified by an official eartag or a vaccination tag in the right ear, or a registration tattoo.

011.02E3. In addition to the identification required under 011.02E1, above, non-registered animals shall be further identified by an official eartag, or a vaccination tag in the right ear.

011.03 Sale of Vaccine. All sales of approved Brucella Vaccine to persons administering vaccinations shall be by animal biologics firms duly licensed by the United States Department of Agriculture, Veterinary Services, and the legitimate distributors of such firms. The vaccine can only be sold to and used by Nebraska licensed and accredited veterinarians. All persons distributing vaccine to veterinarians shall keep sales records for two years, showing the names and addresses of the buyers, the dates of sale, the quantities sold, and the serial numbers of the vaccine.

## 012 Identification.

012.01 Statutory Reference. Neb. Rev. Stat. §54-1376.

012.02 Backtags. Test eligible cattle as defined in 003.05 above moving through a market or dealer concentration point must be backtagged upon arrival, by a representative of the market or dealer, with an official backtag issued by the United States Department of Agriculture, Veterinary Services. When such cattle are leaving the market or concentration point destined for slaughter, the backtag must remain in place and unaltered. When market livestock are leaving the market or concentration point not destined for slaughter, the animals must be tested, identified by eartag or purebred registration tattoo, and the backtag is to be painted yellow. The backtag is to remain in place so long as the animals are moving in commerce. The backtagging of cattle is to be reported to the Bureau within seven days on a form NB 52, attached to these regulations as Appendix E and incorporated herein by reference.

012.03 Reactor Tags. When an animal has been disclosed to be a reactor on a brucellosis test, it is the responsibility of the owner of the animal to see that the inspecting veterinarian or regulatory personnel place a reactor tag, issued by the Bureau, in the animals' left ear. The tag is to be recorded on the brucellosis test chart.

012.04 Identification Tags. Whenever cattle are tested for brucellosis, an official identification tag shall be placed in the right ear, unless there is already a usable official tag in the ear.

012.05 Suspect Tags. When an animal has been disclosed to be a suspect following brucellosis testing, it is the responsibility of the owner of the animal to see that the inspecting veterinarian or regulatory personnel place a suspect tag, issued by the Bureau, in the animal's left ear. The tag is to be recorded on the brucellosis test chart.

## 013 Permits.

013.01 Statutory Reference. Neb. Rev. Stat. §54-1378.

013.02 General. Whenever required by the provisions of the Act or these regulations, or whenever a person desires approval to engage in an

activity prohibited or restricted by the Act or these regulations, a permit may be sought from the Bureau. Applications for permits shall specifically, completely, and accurately describe the need for the permit, and may either be by telephone, in person, or in writing. All permits issued will be in writing, although applicants may be advised in advance by telephone or in person that a permit will be issued. Permits may be issued only when it is in the best interests of the livestock industry to do so and when it is consistent with sound animal health practice. Permits may be conditioned in any manner deemed appropriate by the Bureau, and may be withdrawn or revoked for violation by the holder of said conditions, the Act, or these regulations.

#### 014 Uniform Methods and Rules.

014.01 Statutory Reference. Neb. Rev. Stat. §54-1379.

014.02 Adoption. In order to facilitate the interstate shipment of livestock and to insure the efficient and effective operation of the Brucellosis program, the Bureau is authorized to apply those portions of the Uniform Methods and Rules for Brucellosis Eradication which are not inconsistent with the Act or these regulations. Copies of the current Uniform Methods and Rules for Brucellosis Eradication shall accompany these regulations and be available upon request at the office of the Bureau. The Uniform Methods and Rules for Brucellosis Eradication are attached hereto as Appendix F and incorporated herein by reference.

014.03 Area Designation and Herd Certification. Those portions of the Uniform Methods and Rules for Brucellosis Eradication applicable to the federal designation of brucellosis areas and the certification of herds for brucellosis status are hereby expressly adopted, and shall be fully applicable within Nebraska.

015 Publications Adopted. See Appendix.

016 Annotation. Neb. Rev. Stat. §§54-1367 to 54-1384.

### APPENDIX

A. VS Form 4-33

B. VS Form 4-54

C. VS Form 1-27



D. VS Form 4-26

E. NB-52

F. Brucellosis Eradication (Uniform Method and Rules) effective May 6, 1992, edition

TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

Chapter 4 - SWINE BRUCELLOSIS

001 Statement of Purpose. The purpose of these regulations is to aid in carrying out the legislative intent and general purposes of the swine brucellosis statutes of Nebraska, known as the Nebraska Swine Brucellosis Act (The "Act"), and found at Sections 54-1348 to 54-1366, R.R.S., 1943.

002 Administration. These regulations will be administered by the Bureau of Animal Industry of the Department of Agriculture, located on the fourth floor of the State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509. The telephone number is (402) 471-2351.

003 Definitions. The definitions of terms found in the Act shall apply to such terms when found in these regulations.

004 Identification of Swine.

004.01 Reactors shall be permanently identified by an official reactor eartag placed in the left ear within fifteen (15) days following the disclosure of infection.

004.02 All slaughter sows and boars received at the first point of sale by market, dealer or slaughter establishment, shall be uniformly identified, by the farm or origin, sufficiently to distinguish such swine from swine originating from other herds, which identification shall be recorded on a waybill. Each market, dealer, or slaughter establishment first receiving slaughter sows and boars shall then identify all such swine to the farm of origin, by tattoo or other acceptable method, which shall be specified on the account of sale.

005 Identification Reports.

005.01 All markets, dealers, and slaughter establishments responsible for identifying swine in accordance with the provisions of Section 54-1358 of the Swine Brucellosis Act, shall maintain records of such identification.

005.02 All farms of origin responsible for identifying swine in accordance with the provisions of Section 54-1358 of the Nebraska Swine

Brucellosis Act shall maintain all accounts of sale for a period of two (2) years.

006 Official Testing.

006.01 The official tests for swine brucellosis shall be as follows:

006.01A Card Test;

006.01B Rapid screening test;

006.01C Rivanol test; and

006.01D Any other testing procedure recognized for use in the diagnosis of swine brucellosis by USDA.

006.02 Testing shall be performed by the approved veterinarian, whenever required or authorized by the Nebraska Swine Brucellosis Act or these regulations.

007 Addition of Swine into Validated Herds. The following requirements shall apply to all swine added into validated herds in order for such herds to maintain validated status:

007.01 There shall be no brucellosis testing requirements for swine originating from validated herds.

007.02 All swine originating from non-validated herds shall undergo two (2) consecutive negative tests at least sixty (60) days apart prior to being added, except that in the case of bred sows and gilts, the second test shall occur not less than thirty (30) days after farrowing.

008 Annotation. Neb. Rev. Stat. §§54-1348 to 54-1336 and 54-701 to 54-705.

TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

Chapter 5 - CATTLE TUBERCULOSIS

001 Statement of Purpose. These regulations are intended to aid in carrying out the legislative intent and general purposes of the statutes of Nebraska governing the control and eradication of bovine tuberculosis, which statutes may be found at Sections 54-706 to 54-722, R.R.S., 1943.

002 Administration. These regulations will be administered by the Department of Agriculture's Bureau of Animal Industry, located on the

fourth floor of the State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509. The telephone number is (402) 471-2351.

### 003 Sale, Distribution and Use of Tuberculin.

003.01. Tuberculin shall not be sold or otherwise distributed in the state, except to an approved veterinarian, and shall not be injected or otherwise applied into or on any animal except by an approved veterinarian. All approved veterinarians who inject or otherwise apply tuberculin to cattle shall submit a report of such tests to the bureau immediately on forms provided by the bureau, which report contains the findings as to the presence or absence of tuberculosis.

003.02. All animals tested shall be identified as prescribed by the Uniform Methods and Rules, which rules are an appendix to this rule.

004 Infected Herds. Any herd wherein reactors are disclosed, pursuant to a tuberculin test administered by an approved veterinarian, shall be quarantined immediately on Form A-276A. Each reactor shall be permanently identified by an official reactor eartag applied to the left ear and the letter "T" not less than two (2) inches nor more than three (3) inches high

hotbranded on the left jaw. Reactors shall then be shipped to slaughter. Branding, tagging, and shipment to slaughter shall all occur within fifteen (15) days following the reactor disclosure. Following the removal of reactors to slaughter, the remainder of the herd wherein the reactors are disclosed shall be tested as prescribed by the Uniform Methods and Rules described in section 54-714, R.R.S., 1943. (See Appendix 1 to this rule.) When a reactor is disclosed through a post-mortem examination, the herd shall be quarantined as described above and tested according to said Uniform Methods and Rules.

005 Cleaning and Disinfecting. Premises where tuberculous cattle have been maintained shall be thoroughly cleaned and disinfected under the supervision of the bureau. The disinfectant to be applied shall be as prescribed by the State Veterinarian, as the facts and circumstances of each situation require.

006 Publications Adopted. See Appendix 1.

007 Annotation. Neb. Rev. Stat. §§54-701 to 54-722.

## TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

### Chapter 6 - CATTLE SCABIES

001 Statement of Purpose. The purpose of these regulations is to aid in carrying out the legislative intent and general purposes of the cattle scabies statutes of Nebraska (§54-723, R.R.S. 1943, and §54-724, R.S. Supp. 1982), the general animal health statutes of Nebraska (§54-701 to §54-705, R.R.S., 1943), and the animal importation statutes of Nebraska (§54-785 to §54-796, R.R.S., 1943).

002 Administration. These regulations shall be administered by the Department of Agriculture's Bureau of Animal Industry, fourth floor, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509-4787. The telephone number is (402) 471-2351.

003 Quarantine. All cattle found to be affected with or exposed to scabies shall be quarantined to the premises. Quarantined animals shall be treated on the premises where confined, except that the State Veterinarian may, under extenuating circumstances, allow the transportation of such animals in sealed trucks elsewhere for treatment; Provided, that the animals shall remain isolated at all times and shall be immediately returned to the original premises of quarantine following the completion of treatment. Quarantine shall be released by the State Veterinarian only after all animals have been either treated as hereinafter prescribed, or shipped to immediate slaughter in sealed or placarded trucks accompanied by VS Form 1-27.

004 Treatment.

004.01 Treatment of quarantined animals shall include either dipping vat or spray-dip machine (box spray), using an approved pesticide or treatment with an approved injectable parasiticide. Approved products shall include:

004.01A 61% toxaphene emulsion diluted to a strength of 0.5% to 0.60%,

004.01B Lime-sulphur solution at a temperature of 95 to 105E (degrees) Fahrenheit, at a dilution of 2%,

004.01C Co-Ral 25% wettable powder at a mixture of 10 pounds per 100 gallons of water, and

004.01D Prolate (GX 118) to be at 0.15 to 0.25 percent concentration.

004.01E Ivomec (Ivermectin) 1% cattle injection to be used according to label direction.

004.02 Vat management and proper disposal of unused vat or box spray contents shall follow those procedures described by Veterinary Services Memorandum 556.1 of the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, dated May 27, 1981 and Supplements three dated June 8, 1981, six dated July 30, 1982, and eight dated August 11, 1981, thereto. (See Appendix 1 to this rule.) One dipping shall be required for all exposed animals when treated with toxaphene, and two dippings shall be required for all other exposed and infested animals, the second dipping to be accomplished within the interval of ten (10) to fourteen (14) days following the first dipping. Quarantine shall be released after all required treatment has been completed, except that cattle dipped in toxaphene shall be held for not less than twenty-eight (28) days prior to shipment for slaughter, and cattle dipped in Prolate shall be held for not less than twenty-one (21) days; Provided, that no quarantine shall be released until the dip sample analysis shows the required dip tolerance to be satisfied. Undipped cattle from quarantine feedlots showing no infection shall be shipped to immediate slaughter in sealed or placarded trucks.

005 Cleaning and Disinfecting. All premises whereon cattle are quarantined shall be cleaned and disinfected as prescribed by, and under the

direction of, the bureau prior to release of quarantine. All trucks used for the transportation of cattle held in quarantine shall also be cleaned and disinfected as prescribed by, and under the direction of, the bureau.

#### 006 Temporary Emergency Importation Requirements.

##### 006.01 Declaration of Purpose

006.01A The Director of Agriculture and the State Veterinarian hereby declare that an emergency exists within the State of Nebraska relative to the growing incidence of scabies in cattle entering Nebraska from other states. It is further declared that the most efficient and practical means available for preventing, suppressing, controlling and eradicating this dangerous and contagious disease among cattle is to require the approved treatment of cattle prior to or upon entry into Nebraska.

006.01B In some states, to be known as "category I" states, the State Veterinarian has determined that the incidence of scabies is such as to constitute a severe threat to the health of Nebraska livestock. In other states, to be known as "category II" states, the threat of scabies has been determined to exist, but be moderate. In yet other states, to be known as "category III" states, no meaningful threat to the health of Nebraska livestock from scabies is deemed to exist.

006.01C The State Veterinarian shall continuously monitor the incidence of scabies in all the states, sufficient to enable him to properly categorize each state in the manner described above. In conjunction therewith, he shall continuously maintain a list showing the current category of each state, which list shall be available for public inspection at all reasonable times, and shall be supplied to the animal health officials of all states.

006.02 Requirement. All cattle entering Nebraska from category I states, except those exempted under 23 NAC 6-006.03, below, shall be treated for scabies within ten (10) days prior to entry, or upon arrival at the Nebraska destination if approved treatment facilities are available at said destination.

##### 006.03 Exemption.

006.03A Lactating dairy cattle;

006.03B Cattle designated for slaughter;

006.03C Calves thirty days old or younger from non-exposed herds; and

006.03D Cattle moving to Nebraska directly from a farm or ranch of origin located within fifty (50) miles of the Nebraska border.

##### 006.04 Permit Required

006.04A Cattle entering Nebraska from category I states that are not designated for slaughter and are exempt from the treatment requirement 23 NAC 6-006.02, above, must obtain an entry permit from the Bureau prior to entry.

006.04B Cattle entering Nebraska from category II states that are not designated for slaughter must obtain an entry permit from the Bureau prior to entry.

006.04C Additionally, cattle entering Nebraska from category I states that are exempt from the requirements of 23 NAC 6-006.02, above, by virtue of the provisions of 23 NAC 6-006.03D, above, must be accompanied with a valid health certificate with the permit number recorded thereon, and also a written statement by the issuing veterinarian that he or she has examined the herd of origin of the cattle on the date the certificate was issued and found no evidence or symptoms of scabies present.

006.05 Treatment. The treatment required under 23 NAC 6-006.02, above, shall be that prescribed under 23 NAC 6-004, above; Provided, that all treatment of cattle and applications of pesticides shall be in accordance with the applicable requirements of the United States Environmental Protection Agency, and the provisions of the registration and label of the pesticide or pesticides applied or used.

006.06 Application. The provisions of 23 NAC 6-006 shall be deemed to be in addition to, and not in lieu of the provisions of 23 NAC 6-001 through 005.

007 Publications Adopted. Veterinary Services Memorandum 556.1, and Supplements No. 3, No. 6, and No. 8, USDA, APHIS, VS.

008 Annotation. Neb. Rev. Stat. §§54-701 to 54-705, 54-723, 54-724, 54-785 to 54-796, and 54-753.05.

## TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

### Chapter 7 - HOG CHOLERA

001 Statement of Purpose. The purpose of these regulations is to declare hog cholera as a dangerous, infectious, and contagious disease for purposes of the administration of the provisions of sections 54-701 to 54-705 of the animal disease control statutes of Nebraska, and to prescribe the manner in which the disease will be regulated.

002 Administration. These regulations are administered by the Nebraska Department of Agriculture, Bureau of Animal Industry, whose offices are located in the State Office Building, on the fourth floor, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509. The telephone number is (402) 471-2351.

003 Disease Reporting. Whenever two or more animals in a herd exhibit signs of illness or die of any unknown cause, or whenever any person, including herd owner, agent, or veterinarian suspects hog cholera, such person shall immediately report such observation or suspicion by collect telephone call to the Bureau.

004 Submission of Specimens. Whenever hog cholera is suspected where a veterinarian has been consulted, such veterinarian shall submit kidney, spleen, lymph nodes and tonsil from the moribund or dead swine to the diagnostic laboratory of the Department of Veterinary Science, University of Nebraska, Lincoln, Nebraska. Submission of such specimens shall not relieve a herd owner, agent, or veterinarian from reporting as prescribed above.

005 Quarantine. Any herd infected with, or suspected of being infected with or exposed to hog cholera shall be immediately quarantined.

006 Destruction of Swine and Cleaning of Premises. Whenever a herd becomes infected with hog cholera, the infected or exposed swine shall be destroyed, and no swine shall be moved onto the

premises where the infection was disclosed within thirty (30) days following the cleaning and disinfecting of the premises populated by the infected and exposed swine. Cleaning and disinfection shall be accomplished under the supervision of the bureau after all infected and exposed swine have been destroyed.

007 Annotation. Neb. Rev. Stat. §§54-701 to 54-705.

## TITLE 23 - DEPARTMENT OF AGRICULTURE BUREAU OF ANIMAL INDUSTRY

### Chapter 8 - ANTHRAX

001 Statement of Purpose. The purpose of these regulations is to aid in carrying out the legislative intent and general purposes of the statutes of Nebraska governing the control of anthrax among domestic animals, which statutes are set out in sections 54-754 to 54-763, R.R.S., 1943.

002 Administration. These regulations are administered by the Nebraska Department of Agriculture, Bureau of Animal Industry, whose offices are located in the State Office Building, on the fourth floor, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94987, Lincoln, Nebraska 68509. The telephone number is (402) 471-2351.

003 Vaccination and Quarantine. All livestock exposed to, suspected of being, or having been exposed to, anthrax shall be immunized with a vaccine made from a vegetative, nonencapsulated form of the anthrax organism. No vaccine may be used unless and until the prior approval of the Bureau is obtained. Such vaccinations shall be made at the expense of the owner except as provided by Section 54-763 of the anthrax statutes. The owner of livestock ordered vaccinated shall confine such livestock in a suitable place and shall furnish the necessary assistance and facilities for restraining the livestock as requested by the State Veterinarian. All vaccinated livestock shall be quarantined upon the premises where vaccinated until the quarantine is released by the State Veterinarian.

004 Cleaning and Disinfecting. All cleaning and disinfecting shall be done under the supervision of the bureau, and the disinfectant to be applied shall be as prescribed by the State Veterinarian as the facts and circumstances of each case require.

005 Diagnosis and Confirmation of Disease. The official diagnosis shall be made by the State Veterinarian following

consultation with both the veterinarians making clinical observations and the laboratory approved for this purpose by the State Veterinarian, which laboratory shall also be the confirming authority. Confirmation shall be based on accepted methods of laboratory identification by the use of standard procedures, which procedures shall include at least two of the following:

005.01. Morphological identification;

005.02. Laboratory isolation;

005.03. Accepted serological tests, e.g. Ascoli test; and

005.04. Animal inoculations.

006 Submission of Specimens.

006.01. The following specimens shall be submitted from the suspected anthrax carcass where no necropsy has been performed;

006.01A. Muscle tissue, for which the ear shall be cut close enough to the head to obtain such tissue; and

006.01B. One to five milliliters of whole blood.

006.02. Where a necropsy has been performed, the following shall be submitted:

006.02A. Spleen;

006.02B. Blood, as described above;

006.02C. Any lymph nodes; and

006.02D. Any obviously pathogenic tissue, including muscle.

006.03. The following procedure for submission shall be observed;

006.03A. The package shall be labeled, "Anthrax Suspect";



006.03B. There shall be enclosed within such package a complete history of the animal, and addresses and telephone numbers of both the owner or caretaker, and the veterinarian submitting the specimens;

006.03C. The specimens shall be packed with containers of ice or other refrigerant, but in no case shall the specimens be frozen, or preservatives used;

006.03D. The contents shall be enclosed in an impervious, leakproof container; and

006.03E. The container shall be rushed to the approved laboratory.

007 Annotation. Neb. Rev. Stat. §§54-701 to 54-705 and 54-754 to 54-763.

## NEBRASKA ADMINISTRATIVE CODE

LAST DATE AMENDED: April 13, 1987

### TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

#### Chapter 9 - POULTRY DISEASE CONTROL REGULATIONS

001 Statement of Purpose. The purpose of these regulations is to aid in carrying out the legislative intent and general purposes of the Nebraska Poultry Disease Control Act, the "Act", found at sections 2-3001 to 2-3008.

002 Administration. These regulations shall be administered by the Department of Agriculture's Bureau of Animal Industry, located on the fourth floor of the State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address of the Bureau is P.O. Box 94787, Lincoln, Nebraska 68509. The telephone number is (402) 471-2351.

#### 003 Official Disease Control Program.

003.01 The rules and regulations officially promulgated by USDA under 9 CFR §145 (1996), known as the National Poultry Improvement Plan, are hereby adopted insofar as they do not conflict with the Act. A copy of the National Poultry Improvement Plan and Auxiliary Provisions, April, 1996, is attached to these regulations and incorporated herein by reference.

003.02 No person shall buy, sell, offer for sale, ship or import into the State of Nebraska hatching eggs or poultry, except for immediate slaughter, unless:

003.02A the Nebraska breeding flock, hatchery and dealer are participants in the National Poultry Improvement Plan, or

003.02B the breeding flock, hatchery or dealer, if in a foreign state, meet the admission requirements of the importation regulations of the Department found in 23 NAC 2, and the requirement set out in 23 NAC 9 - 003.03, below.

003.03 All poultry and hatching eggs shall be classified prior to movement into Nebraska as U.S. Pullorum-Typhoid Clean pursuant to the National Poultry Improvement Plan, for participants in said Plan, or shall be of equivalent status; Provided, no person shall move poultry or hatching eggs into Nebraska unless a permit has been issued for such movement by the State Veterinarian upon application therefor on forms furnished by the bureau; and provided further, such classification or equivalent status shall not be required for poultry designated for immediate slaughter.

004 Disease Diagnosis and Quarantine.

004.01 Disease diagnosis requirements shall be those prescribed in the National Poultry Improvement Plan.

004.02 If any officially designated diagnostic laboratory examination of poultry demonstrated S. pullorum or S. gallinarum, or if reactors disclosed from the reading of an official test are not submitted to the laboratory within ten (10) days following the date of reading, the flock shall be considered infected.

004.03 Flocks considered infected shall be quarantined by the Bureau until all known reactors have been tested and the flock classified as Pullorum-Typhoid Clean.

004.04 All or part of a quarantined flock shall be moved to slaughter only upon written permission by the Bureau.

005 Records. All records of purchases, sales, and identity of poultry and hatching eggs handled shall be maintained for a period of not less than three (3) years.

006 Publication Adopted. National Poultry Improvement Plan, Title 9, Part 145, Code of Federal Regulations (CFR). (See Appendix A.)

007 Annotation. Neb. Rev. Stat. §§2-3001 to 2-3008 (Reissue 1991, Cum. Supp. 1996) and 54-701 to 54-705 (Reissue 1993, Cum. Supp. 1996).

TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

Chapter 10 - RENDERING AND PET FEED MANUFACTURING

001 Statement of Purpose. The purpose of these regulations is to aid in carrying out the legislative intent and general purposes of those portions of the Nebraska Meat and Poultry Inspection Law (The "Act") applicable to rendering and pet feed manufacturing establishments.

002 Administration. These regulations will be administered by the Department of Agriculture's Bureau of Animal Industry, located on the fourth floor of the State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509. The telephone number is (402) 471-2351.

003 Definitions. The definitions found at Neb. Rev. Stat. §54-1902 shall apply to the terms used in these regulations. In addition, the following definitions shall apply:

003.01 APPROVED VETERINARIAN shall mean a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine and who is authorized by the State Veterinarian to perform duties pursuant to these regulations.

003.02 CONSIGNOR shall mean the person named in a shipping document as the person from whom inedible meat and carcass parts have been received for shipment.

003.03 CONSIGNEE shall mean the person named in a shipping document to whom delivery of inedible meat or carcass parts has been promised.

003.04 INEDIBLE MEAT and CARCASS PARTS shall mean any material in the raw or unprocessed state derived from slaughtered animals and not intended for human consumption and material derived from seriously distressed animals or animals dead or dying other than by slaughter, and capable of being processed into pet animal food by a process other than dry rendering.

003.05 METAL NUMBERED SEALS shall mean small individually numbered metal strips constructed in such a manner that the two ends permanently lock together and can only be separated by cutting or other physical breaking, such as those seals approved for this use by the Bureau of Animal Industry.

003.06 SEAL shall mean the physical closing of all of the outer cargo openings of a carrier, by means of one or more metal numbered seals.

003.07 DECHARACTERIZATION shall mean the uniform application of sufficient quantities of dye, charcoal, malodorous fish oil, acid, or any other agent approved by the Bureau, upon and into freely slashed flesh of processed meat as to unequivocally preclude its use for human food.

003.08 APPROVED DECHARACTERIZATION AGENT shall mean a decharacterization agent approved for use as such by the Bureau of Animal Industry.

003.09 DENATURE shall mean the process by which condemned inedible meat and carcass parts are rendered unfit for human consumption.

003.10 APPROVED DENATURING AGENT shall mean a denaturing agent approved for use as such by the Bureau of Animal Industry.

003.11 PROCESSING shall mean a method whereby meat or meat products, poultry or fish products are cut, boned, mixed, blended, canned, cooked, cured or otherwise prepared for purposes other than for human consumption.

003.12 RAW PRODUCT AREA shall mean that area of a plant set aside to receive meat or meat products, poultry or fish products or carcasses of animals, poultry or fish brought or delivered to the plant to be prepared for processing.

003.13 PROCESSING AREA shall mean that area set aside for processing.

003.14 FINISHED PRODUCT AREA shall mean that area to which the finished product is conveyed for storage in bulk, bags or other containers.

004 Sanitation and Operation. All pet feed manufacturing and rendering establishments shall be maintained and operated in a sanitary manner.

004.01 All walls, floors, and equipment shall be of a type that can be readily and easily cleaned and sanitized.

004.02 All floors, walls, ceilings, stairways, handrails, piping, window ledges and other open surfaces shall be kept free of litter, or any other accumulations and shall be routinely cleaned and sanitized.

004.03 All rendering establishments shall have sufficient live steam to properly clean, sanitize and disinfect all areas and equipment. An ample supply of water at not less than 180 degrees Fahrenheit shall be furnished and used for the cleaning of floors, walls, handrails, stairways, equipment and the like.

004.04 All outside areas of the establishment premise shall be kept free from any accumulation of bones, horns, offal, rumen contents, weeds and any other debris that might create a nuisance, contribute to unsanitary conditions or attract vermin, insects or birds. All operations shall be in conformance with local municipal ordinances and county resolutions.

004.05 Persons working in any establishment shall maintain a reasonable personal hygiene.

004.06 All tools and equipment when used in handling or conveying products shall be kept clean and in a sanitary condition.

004.07 All interbuilding connecting walkways or areas between raw product areas and processing or finished product areas shall be kept clean and free from any residue from adjacent areas at all times.

004.08 Signs in large and conspicuous letters shall be posted at all entrances, restricting all unauthorized persons. Unauthorized persons are all those other than employees and management of the establishment, their invited guests, and personnel of the Bureau on official business.

004.09 Hides shall not accumulated past normal working time in the raw product area but shall be stored in a compartment separate from the raw product area. All hides shall be salted or treated prior to storage in the hide storage are, in accordance with sound manufacturing practices.

004.10 Sufficient temperature shall be employed in cooking livestock, poultry, fish or products of the same order to render such products free of any infectious, contagious or otherwise transmissible disease that may have been present in the raw product. A product found to be improperly cooked or to have become contaminated with a pathogenic organism after cooking may be required to be reprocessed or destroyed by burning, or buried at least four (4) feet under the surface of the ground.

004.11 All fluids from the establishment, including washings from trucks, containers and equipment, shall drain into an acceptable sewer, cesspool or lagoon. Lagoons shall be conspicuously posted as containing waste products from the establishment, contaminated, and unfit for human use, and shall be fenced, so as to exclude livestock.

004.12 No animal suspected to have died from toxic substances may be used in pet feed manufacturing or rendering.

004.13 All animal product prepared for use as pet food shall be decharacterized with a decharacterizing agent approved by the bureau.

004.14 Records shall be kept on all products and carcasses received by establishments and shall include numbers, species, the farm or other premise where the product or carcass was picked up and the date when picked up. These records shall be available for examination by any authorized representative of the Bureau and shall be maintained for one year.

004.15 Sampling of any product by an inspector may be a part of any inspection procedure and a reasonable sample may be taken for the purpose of disease or sanitation survey or control at no cost to the Department. In case sizeable samples may be required, the inspector shall pay or offer to pay for such samples.

004.16 Dressing rooms and toilet facilities shall be maintained in a sanitary condition. Such areas shall be separate from all product handling areas of the establishment.

004.17 Each establishment shall provide sufficient natural or artificial light, or both, at all places and at all times of the day, of good quantity and well distributed so as to be adequate for proper conduct of establishment operations. Sufficient ventilation shall be provided for all rooms and compartments so as to insure a sanitary and healthful condition.

004.18 The water supply shall be ample and potable with adequate facilities for distribution throughout the plant. An ample supply of hot water (not less than 105°F.) shall be available for cleaning of equipment, floors, walls, etc. Hot water shall be delivered under pressure to

sufficient, convenient outlets to accomplish a thorough cleanup.

004.19 Every practical precaution shall be taken to exclude insects, rodents and other vermin from the facilities.

004.20 The entire area and equipment of the establishment in which carcasses are received and processed shall be thoroughly cleaned after each day's operations.

#### 005 Transportation.

005.01 All trucks and containers used in transporting products shall be kept in a sanitary condition.

005.02 All trucks and containers during use in transporting carcasses and carcass parts shall be leakproof and constructed so that the load is not visible. Trucks and containers shall be cleaned, sanitized and disinfected following each unloading and before leaving the establishment premises. Such cleaning, sanitizing and disinfecting shall include both the interior and exterior of trucks, barrels, or any other containers used to handle products.

005.03 All trucks hauling carcasses or carcass parts shall have the name of the licensee conspicuously displayed on both sides of the vehicle whether the trucks are the property of the establishment or an agent thereof or are leased or rented by either of the aforementioned parties.

005.04. Drivers of trucks hauling carcasses or carcass parts shall at all times while operating such trucks exercise reasonable precautions to prevent the spread of infectious, contagious or otherwise transmissible diseases from the establishment to and from any premise where livestock is kept.

005.05 Vehicles or containers used to transport carcasses or carcass parts for rendering shall insofar as practical or economically sound not be used for transporting carcasses or carcass parts intended for pet food manufacturing at the same time and shall be completely sanitized and disinfected between shipments.

005.06 Inedible meat and carcass parts transferred into the State of Nebraska must be consigned to an establishment licensed by the Bureau.

005.07 Intrastate transfer of inedible meat and carcass parts shall be restricted to transfers between licensed establishments.

005.08 For the purposes of compliance with the entry requirements of other states, restricting the shipment of inedible meat and carcass parts without inspection and certification by the shipping state, when inedible meat and carcass parts are being transferred out of the State of Nebraska, the State Veterinarian may appoint an approved veterinarian to certify inedible meat and carcass parts in the name of the State Veterinarian, provided, however, that the expense of such certification shall be paid by the person requesting the certification of the appointed veterinarian.

005.09 All inedible meat and carcass parts shall be shipped in containers conspicuously marked with the word "Inedible" except where federal meat inspection regulations provide that certain containers of undenatured lungs or lung lobes shall be identified in two (2) inch lettering with the statement "(SPECIES) Lungs - Not for Human Consumption."

005.10 All carriers transferring processed inedible meat and carcass parts into or within the State of Nebraska must be closed and all outer openings sealed at the point of origin with metal numbered seals under the supervision of the approval veterinarian or a plant employee under his supervision. The number of seals used must be entered on the shipping documents prescribed by the Bureau.

005.11 Shipping documents, completely executed shall accompany all transfer of processed inedible meat and carcass parts intended for pet food moving into or within the State of Nebraska. Shipping documents shall be in the form prescribed by 23 NAC 10-005.12, below. Shipping documents shall be completed and executed in quadruplicate as follows:

005.11A Date of shipment - Hour shipped.

005.11B Number of containers of inedible meat and carcass parts shipped.

005.11C Pounds of inedible meat and carcass parts shipped.

005.11D Attestation by the approved veterinarian that the inedible meat and carcass parts have been processed in establishments having facilities equal to those required in these rules and regulations, equivalent inspection, sanitation, are adequately decharacterized and have been held within the required temperature range.

005.11E Name of plant consigning inedible meat and carcass parts.

005.11F Signature of consignor.

005.11G Date and hour shipment received by the consignee.

005.11H Name of plant receiving inedible meat and carcass parts.

005.11I Signature of consignee.

005.11J Number of seal or seals used to seal the carrier at point of origin.

005.11K Number of seal or seals broken at destination by consignee.

005.11L The consignee is to retain and deliver all broken seals to the Bureau.

005.11M Number of containers or inedible meat and carcass parts received.

005.11N Pounds of inedible meat and carcass parts received.

005.12 Shipping Document.

#### SHIPPING DOCUMENT

1. Date of shipment\_Hour
2. Number of containers of inedible meat and  
carcass parts
3. Pounds of inedible meat and carcass parts
4. Name of Plant consigning shipment
5. Signature of consignor
6. Date shipment was received Hour
7. Name of plant receiving inedible meat and  
carcass parts
8. Signature of consignee
9. Number of seal or seals used to seal carrier  
at point of origin
10. Number of seal or seals broken at destination



by consignee

11. Number of containers of inedible meat

and carcass parts received

12. Pounds of inedible meat and carcass

parts received

13. Attestation of approved veterinarian at point of origin of shipment

Signature of approved veterinarian

005.13 The original copies of shipping documents required under 23 NAC 10-005.11 and .12, above, are to be forwarded to the Bureau within twenty-four (24) hours of commencement of the shipment. Two copies are to accompany the shipment and be delivered to the consignee. The consignee is to sign and forward to the Bureau one of the copies delivered to him by the carrier together with the broken seal or seals which accompanied the shipment within twenty-four (24) hours of delivery. He is to retain the other copy. One copy is to be retained by the consignor.

005.14 All processed inedible meat and carcass parts intended for use as pet food shall be held at a temperature of 40°F. or less until it reaches the final processor.

006 Inspection. No inedible meat or carcass parts shall be processed into pet food within the State of Nebraska, unless the product has been inspected and passed by the approved veterinarian at the licensed processing establishment. Such veterinarian shall inspect carcasses for the presence of dangerous communicable disease or poisons and evidence of decomposition, and enforce sanitation requirements so as to insure the absence of any conditions which will cause the carcass to be condemned as unfit for processing into animal food.

007 Processing of Fallen or Dead Animals. Plants may process fallen or dead animals, where animals are recovered and transported to a licensed processing plant within a reasonable time following death before decomposition occurs. If this occurs after normal working hours for the inspector, the animals are to be immediately skinned and eviscerated. The lungs, heart, liver and kidneys of the animals are to be left attached to the carcass. The stomach or stomachs, together with the entire intestinal tract, are to be discarded at the time of evisceration. All carcasses skinned shall be conspicuously stamped with the word "Inedible." The carcasses are to be stored in a chilled room with attached viscera and are to be inspected at the start of the next working day by the approved veterinarian. Condemned carcasses from pet food plants shall be processed only by a licensed rendering plant. All decisions of the approved veterinarian are final.

008 Processing Carcasses.

008.01 Processing facilities shall be in a separate area. The entire area shall be equipped for and used only for the following operations: skinning, eviscerating, deboning, grinding, decharacterizing, packaging and labeling of inedible meat and carcass parts.

008.02 All personnel assigned to these areas shall maintain a reasonable personal hygiene. A change of clean garments shall be worn every day.

008.03 Those carcasses or portions thereof which cannot be processed during the normal working day shall be conspicuously identified as inedible.

009 Decharacterization. All inedible meat and carcass parts shall be adequately decharacterized with an approved agent except where federal meat inspection regulations allow shipment of inedibles to the contrary. The decharacterizing agent must be mixed intimately with all of the material to be decharacterized and must be applied in such quantity and manner that it cannot easily and readily be removed by washing or soaking. A sufficient amount of the appropriate agent shall be used to give the material a distinctive color, odor, or taste so that such material cannot be confused with an article of human food. All inedible meat or carcass parts four inches in diameter or larger shall be freely slashed or sectioned prior to the application of the approved decharacterization agent.

010 Annotation. Neb. Rev. Stat. §§54-1901 to 55-1915.

## TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

### Chapter 11 - LIVESTOCK DEALER REGULATIONS

001 Statement of Purpose. These regulations are adopted to aid in carrying out the legislative intent and general purposes of the Nebraska Livestock Dealer Licensing Act (Neb. Rev. Stat. §54-1701, et. seq.) the "Act."

#### 002 Definitions.

002.01 ACCOUNT OF SALE shall mean a receipt given to the consignor or seller of livestock.

002.02 VS FORM 1-27 is a permit authorizing the movement of diseased or exposed animals, which form shall be issued only by an approved veterinarian or authorized regulatory personnel.

002.03 ANIMAL shall mean any animal, including poultry, other than man but shall exclude fish and reptiles.

002.04 APPROVED EARTAG shall mean a metal identification tag approved by the U.S. Department of Agriculture or the State of Nebraska which shall be placed in the ear to identify officially tested animals.

002.05 APPROVED VETERINARIAN shall mean any accredited veterinarian approved, designated, or certified by the State Veterinarian or Director of Agriculture to perform all required inspections and duties under the disease control laws and regulations.

002.06 BUREAU shall mean the Bureau of Animal Industry of the Department of Agriculture.

002.07 BRUCELLOSIS EXPOSED ANIMALS shall mean animals that are part of a known infected herd or have been in contact with a brucellosis reactor in marketing channels for periods of not less than twenty-four (24) hours, or periods of less than twenty-four (24) hours if the reactor has recently aborted, calved, or had a vaginal or uterine discharge.

002.08 QUALIFIED PSEUDORABIES NEGATIVE HERD shall mean a herd meeting the following criteria:

Qualified pseudorabies negative herd status is attained by subjecting all swine over 6 months of age to an official pseudorabies test and finding all swine so tested negative. If any of the swine so tested are positive, qualified pseudorabies negative herd status is attained by: (1) removing all official pseudorabies test positive swine and cleaning and disinfecting the herd premises; (2) retesting all swine over 6 months of age 30 days after removal of the official pseudorabies test positive swine and finding all swine so tested negative, and (3) retesting all swine over 6 months of age 60 days after removal of the official pseudorabies test positive swine and finding all swine so tested negative. The status of the herd is maintained by an official pseudorabies test of 25 percent of the swine over 6 months of age every 80-105 days and finding all swine so tested negative. All swine over 6 months of age in the herd shall be subjected to the official pseudorabies test each year. However, no swine over 6 months of age in the herd are to be tested twice in 1 year to comply with the 25 percent requirement. A minimum of 90 percent of the swine must have been on the premises and part of the herd for at least 90 days prior to the qualifying test or have entered directly from another qualified pseudorabies negative herd. All additions to the herd must test negative on two official pseudorabies tests not less than 30 days or more than 60 days apart before being added to the herd or be from another qualified pseudorabies negative herd.

002.09 PSEUDORABIES CONTROLLED VACCINATED HERD shall mean a herd meeting the following criteria:

A herd of swine in which all of the swine over 6 months of age are negative to an official pseudorabies test and are vaccinated for pseudorabies within 15 days after such test. The status of the herd is maintained by an official pseudorabies test of 25 percent of the offspring between 16 and 20 weeks of age and finding all swine so tested negative. All additions to the herd must test negative to an official pseudorabies test, be vaccinated for pseudorabies within 15 days after such test, and be added to the herd not more than 30 days after such test. Pseudorabies controlled vaccinated herds that become positive can be reclassified as a pseudorabies controlled vaccinated herd by (1) testing of all swine over 6 months of age; (2) removal of all swine which are positive to an official pseudorabies test; (3) cleaning and disinfecting the herd premises; (4) retesting all swine over 6 months of age 30 days after removal of the swine which are positive to an official pseudorabies test and finding all swine so tested negative; (5) retesting all swine over 6 months of age 60 days after removal of the swine which are positive to an official pseudorabies test and finding all swine so tested negative; and (6) vaccinating all swine over 6 months of age for pseudorabies within 15 days of the second negative test.

002.010 CHANGE OF OWNERSHIP TEST shall mean an official brucellosis test performed on all market test cattle.

002.11 HERD TEST for cattle shall mean an official brucellosis test of all eligible cattle in the herd. Eligible cattle shall include those over six (6) months of age except steers, spayed heifers, official vaccinates under eighteen (18) months of age.

002.012 EXPOSED ANIMALS shall mean those that have been in contact with any diseased animals. Such term shall also mean those animals that have been in contact with other exposed animals as defined in this subdivision. Brucellosis exposed animals are as defined in 23 NAC 11-002.07, above.

002.013 FORM A-237 is a health certificate or examination form of the Bureau, which form shall be issued only by an approved veterinarian, after establishing the health status and performing the required tests on the involved animals.

002.014 FORM NBAI-16 is a health certificate or examination form of the Bureau, which form shall be issued only by an approved veterinarian, after establishing the health status and performing the required tests on the involved animals.

002.015 FORM A-276A is the "Quarantine of Animals" form which prohibits or restricts the movement of animals.

002.016 FORM A-276B is a "Brucellosis Quarantine of Cattle" form which prohibits or restricts the movement of cattle affected with, exposed to, or suspected of having, brucellosis.

002.017 FORM A-277 is a "Quarantine of Premises, Vehicles, and Equipment" form which shall be issued to prohibit the use or occupation of such premises, vehicles, and equipment when provided by the animal disease control laws and the regulations thereunder.

002.018 FORM NB-52 is a form for reporting backtags applied.

002.019 FORM NSD-12 is a Shipper's Declaration form furnished by the Bureau which authorizes the release of livestock of unknown brucellosis status to immediate slaughter or to a licensed market for resale to immediate slaughter. The form shall be issued by market personnel and signed by the buyer or his agent. One copy of the form shall accompany the animals to slaughter or to the market.

002.020 FORM B-4 is a form for recording official brucellosis testing.

002.021 HERD shall mean a group of animals of like species maintained on common ground for any purpose, or two or more groups of animals under common ownership or supervision on separate premises which have an interchange of animals.

002.022 IMMEDIATE SLAUGHTER shall mean delivered to an officially inspected slaughter establishment or to a licensed market within seven (7) days of removal from farm of origin or following the date of sale through any market.

002.023 QUARANTINE FACILITY shall mean any enclosure sufficient to prevent animals so enclosed from coming into physical contact with any other animals.

002.024 MCI TAG shall mean an official backtag prescribed by the U.S. Department of Agriculture for identifying livestock moving in commerce. After an animal has been tested for brucellosis, the MCI tag shall be painted yellow with spray paint or a paint stick in such a manner that the tag number is still readable.

002.025 MARKET shall include both Livestock Auction Market as defined in the Nebraska Auction Market Development Act and Livestock Market as defined in the Nebraska Livestock Market Act.

002.026 MARKET CATTLE TEST shall mean an official brucellosis test of market test cattle moving in trade through markets, through livestock dealer concentration points, at slaughtering establishments, or on the farm of origin within 30 days prior to sale or movement.

002.027 MARKET TEST CATTLE shall mean:

002.027A Females, unless spayed, and bulls over twenty-four months of age, and

002.027B Bred heifers over eighteen months of age unless they are official calfhod vaccinates and not parturient or post parturient.

002.028 OFFICIAL VACCINATE shall mean an animal conforming to the following provisions:

002.028A A calfhod vaccinated animal shall mean an animal between 2 and 4 months of age that has been vaccinated with a standard dosage of Brucella Strain 19 Vaccine, or an animal between 4 and 12 months of age that has been vaccinated with a diluted dosage of said vaccine in accordance with the procedure set out below:

002.028A1 Store unreconstituted vaccine at 4Ec (38E-40EF).

002.028A2 Non-pyrogenic sterile water may be used if regular diluent is not available.

002.028A3 Dilute the vaccine by the following manner:

002.028A3a Reconstitute a dose of standard vaccine as recommended by manufacturer.

002.028A3b Mix the standard vaccine with the diluent according to the following table:

Standard Diluted Diluted

Vaccine Diluent Vaccine Doses

1.25 cc + 23.75 cc = 25 cc or 12.5

2.50 cc + 47.50 cc = 50 cc or 25

5.00 cc + 95.00 cc = 100 cc or 50

002.028A3c Mix thoroughly and administer a 2 cc dose subcutaneously.

002.028A4 Reconstituted vaccine should be used within 1 hour. Surplus prepared vaccine should be inactivated by mixing disinfectant with vaccine or by autoclaving.

002.028B Calfhood vaccinated animals shall be permanently identified as vaccinates by tattoo and by official vaccination eartag, or by any other form of identification approved by the Bureau. Vaccination tattoos must be applied to the right ear. The tattoo will include the U.S. Registered Shield and V, which will be preceded by a number indicating the quarter of the year and will be followed by a number corresponding to the last digit of the year in which the vaccination was done. Official vaccination eartags shall be applied to the right ear. The eartag will include the State prefix and a V, followed by 2 letters and 4 numbers which will individually identify such vaccinated animal. Individual animal registration tattoos may be substituted for official eartags.

002.29 Class Free State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.30 Class A State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.31 Class B State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.32 Class C State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.33 Test-eligible cattle shall mean all cattle over 18 months of age (as evidenced by the loss of the middle pair of temporary incisor teeth) except steers, spayed heifers, official vaccinates of the dairy breeds under 20 months of age, and official vaccinates of the beef breeds under 24 months of age (as evidenced by the presence of the middle pair of permanent incisor teeth) which are not parturient (springers) or

postparturient.

003 State Veterinarian's Office. The office of the State Veterinarian is located on the fourth floor of State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509-4787. The telephone number is (402) 471-2351.

004 Licensing. Persons wishing to make application for a livestock dealer license may do so on forms furnished by the State Veterinarian's office. Application for the annual renewal of an existing license may also be made on forms furnished by said office.

005 Agents. The identification of each agent for a licensed dealer shall be set out on the dealer's license application. The failure to disclose an agent's identification on the application shall be just cause for suspension of the license. Persons identified as agents will be issued identification cards to be carried when the agent is engaged in business as a dealer's agent.

#### 006 Bonding.

006.01 Dealers registered and bonded under the Packers and Stockyards Act shall annually file a statement with the office of the State Veterinarian verifying the maintenance of a valid and effective bond. The statement shall accompany the initial license application or annual renewal thereof, and shall be on a form furnished by the State Veterinarian's office.

006.02 Dealers not registered and bonded under the Packers and Stockyards Act shall annually furnish a fully executed duplicate of a valid and effective bond in an amount equal to that which would be required if the person were registered and bonded under said act. Said amount is determined based upon the volume of business done during the preceding fiscal year, but shall not be less than \$5,000.00. Said duplicate shall accompany the initial license application or the annual renewal thereof.

#### 007 Recordkeeping.

007.01 Each livestock dealer shall keep complete records of all business transactions concerning livestock handled by him. Such records shall contain the following information:

007.01A The names and addresses of all persons who have purchased, sold, consigned, or taken consignment of livestock;

007.01B The dates of all purchases, sales and deliveries of livestock; and

007.01C A description of the livestock.

007.02 All records shall be kept for a period of at least two years.

008 Facilities. Livestock dealers utilizing concentration points in the course of their business shall specifically describe such facility on their license applications, and shall see that such facilities continually meet the following requirements:

008.01 Concentration points shall be maintained in a continual state of good repair;

008.02 All areas of the concentration point used for holding, sorting, testing or otherwise handling livestock shall be cleaned and disinfected under the supervision of the approved veterinarian, when necessary. Such activities shall be reported to the office of the State Veterinarian on forms provided by said office;

008.03 All concentration points shall be equipped with quarantine pens to be used for handling diseased livestock and livestock suspected of being diseased. After being used as a quarantine pen, such a pen shall be used for no other purpose until it has been cleaned and disinfected under the supervision of the certified veterinarian.

008.04 All concentration points shall be equipped with paved areas for assembling, sorting, testing or other handling of feeding and breeding swine, if such swine are handled by the market. Such areas are to be cleaned after each use for feeding or breeding swine; and

008.05 All concentration points shall be equipped with suitable and sufficient paved areas for restraining and confining livestock for regulatory purposes.

009 Inspection and Handling of Livestock.

009.01 Approved Veterinarian. The release of livestock from a concentration point shall be handled by the approved veterinarian who shall insure all such livestock conform to the requirements of the animal disease control laws and regulations of this state. The approved veterinarian shall inspect all such livestock prior to sale, and shall reject or detain at the owner's expense, all such livestock found or suspected by him to be diseased or exposed to disease. In addition, he shall:

009.01A Perform the collection of blood samples from all market test animals;

009.01B Perform the official market test on all blood samples prior to the release of any animal;

009.01C Complete the application and recording of all eartag numbers, backtag numbers, and test results on the official test chart;

009.01D Promptly mail all blood samples and test charts to the State-Federal Brucellosis Laboratory;

009.01E Issue the following release forms and distribute copies as required thereon:



009.01E1 VS Form 1-27;

009.01E2 Form A-237;

009.01E3 Form A-276B; and

009.01E4 Form A-276A; and

009.01F Furnish the purchaser upon request with documentation of completed official tests.

009.02 Release of Cattle.

009.02A All market test cattle offered for sale, bartered, or sold through a market or dealer concentration point shall at the time received be identified by a backtag affixed a few inches from midline and just behind either shoulder, and shall be

tested as provided below, except for the following situations:

009.02A1 Cattle consigned or sold directly from certified brucellosis free herds and accompanied by written proof of such herd status; Provided, such cattle may be yarded separately to maintain their identity and status; and Provided further, that the identity and status shall be maintained until release;

009.02A2 Cattle found to be negative by an official brucellosis test conducted within thirty (30) days prior to sale; Provided, that such animals shall have been individually identified by approved eartag or tattoo and accompanied by an official test record or health certificate showing the identification and test results of each animal, or shall have been identified by an approved eartag and backtag within thirty (30) days prior to sale; and provided further that the identity and negative status of such animals shall be maintained until release; and

009.02B All untested market test cattle, except as excluded above, shall move from the dealer concentration point to immediate slaughter. Backtagged market test cattle sold for shipment to immediate slaughter shall be released on a Shipper's Declaration (Form NSD-12).

009.02C Backtagged market test cattle sold for other than immediate slaughter shall be tested negative for brucellosis by the approved veterinarian prior to release.

009.02D Official Market Testing release requirements are as follows:

009.02D1a Animals tested at the concentration point at private expense prior to sale;

009.02D1b All tests prior to sale shall be made in the name of the seller or consignor. Each tested animal shall be identified by official eartag and backtag. Negative animals from tested consignments wherein reactors are disclosed shall be either sent to immediate slaughter with VS Form 1-27 or returned to the farm of origin with quarantine for official program testing. If reactors are disclosed in consignments from other states, the entire consignment shall be sold for immediate slaughter provided, the negative animals

may be returned to state of origin with permission 9, Code of Federal Regulations, Part 78.

009.02D2a Tests conducted after sale at private expense on backtagged cattle not sold for immediate slaughter:

009.02D2b The lot of each purchaser shall be tested in his name, and tested animals shall be individually identified by official eartag and backtag. Reactors shall be tagged, branded, and shipped to immediate slaughter. Exposed animals tested negative from the lot of a seller where any reactor has been disclosed by test shall be sent to immediate slaughter with VS Form 1-27, and be either "S" branded or moved in sealed trucks.

009.02E Reactors, suspects or exposed animals consigned for sale shall move in commerce accompanied by a VS Form 1-27. Such animals shall be released only for immediate slaughter.

009.02F All market test cattle from Class Band C states shall be brucellosis tested prior to sale. A negative test within the previous thirty (30) days is acceptable if the test information is on the health certificate or test chart accompanying the animals. Cattle released to a farm or ranch shall be quarantined by the market veterinarian to the farm or ranch. The quarantine shall be released following a negative test conducted within 45 to 120 days following issuance of the quarantine. Cattle released to a dealer or another market shall be accompanied by a health certificate. The health certificate shall state that the cattle will be quarantined for a retest upon being resold by the market or dealer. Cattle released to slaughter shall be released on a NSD-12 (Shippers Declaration).

009.03 Release of Swine.

009.03A Feeding and breeding swine may move through a dealer concentration point, subject to the following requirements:

009.03A1 Such swine, originating in Nebraska, shall have been confined on the premises of origin for not less than thirty (30) continuous days preceding the movement through the concentration point.

009.03A2 Swine infected with, exposed to, or suspected of having been exposed to any dangerous, infectious, contagious, communicable or otherwise transmissible disease shall be returned to the premises of the owner or moved to immediate slaughter. Swine affected with atrophic rhinitis or chronic arthritis and all swine originating in the same consignment, shall be identified by a yellow water resistant marking over or along the back.

009.03A3 Swine released from a concentration point shall be confined on the premises of the purchaser for thirty (30) days separate from all

other swine, except when moved directly out of Nebraska pursuant to the import requirements of the state of destination.

009.03B Slaughter swine, except garbage-fed swine, may move through a concentration point, subject to the following requirements:

009.03B1 Native swine shall be moved directly to slaughter establishment, market, or dealer concentration point providing for state or federal inspection.

009.03B2 Swine originating in other states shall follow the import laws and regulations of this state.

009.03C Garbage-fed slaughter swine shall move to immediate slaughter.

009.04 Requirements for Release of Sheep.

009.04A Scabies. Sheep may move from a market or dealer concentration point, Provided:

009.04A1 They are consigned for immediate slaughter; or

009.04A2 They originate from a scabies free area, show no evidence of scabies, and have not been exposed thereto; or

009.04A3 They are from a non-quarantined flock or band in a federally designated scabies infected or eradication area, and treated within ten (10) days of movement with an approved pesticide under supervision of an approved veterinarian.

009.04B Ram Epididymitis. Breeding bucks shall be individually examined prior to sale, and shall be free of gross lesions of ram epididymitis.

009.04C Contagious Ecthyma (Sore Mouth). All sheep affected with, or exposed to, contagious ecthyma shall be immediately removed from the concentration point and returned under quarantine to the premises of the seller or consignor.

010 Official Testing - Cattle Brucellosis

010.01 Except as provided in 23 NAC 11-010.01A and B, below, all market test cattle are sold or bartered through a dealer concentration point shall be brucellosis tested in the manner prescribed below. The exceptions are as follows:

010.01A Cattle sold to immediate slaughter need not be tested and;

010.01B Cattle purchased by the dealer from farms, ranches and feedlots may be purchased without a negative test if they are properly

identified as prescribed in these regulations, and if, within seven (7) days, they are either given an official brucellosis test, or delivered to a market, or sold to immediate slaughter.

010.02 The official brucellosis testing procedure shall be the standard plate test.

Results of the standard plate test shall be confirmed in the State-Federal Laboratory by the same testing procedure. Standard plate test classifications are as follows:

Official Vaccinates All Others

1:50 1:100 1:200 1:50 1:100 1:200

- - - NEGATIVE - - - NEGATIVE

1 - - NEGATIVE 1 - - SUSPECT

+ - - NEGATIVE + - - SUSPECT

+ 1 - SUSPECT + 1 - SUSPECT

+ + - SUSPECT + + - REACTOR

+ + 1 SUSPECT + + 1 REACTOR

+ + + REACTOR + + + REACTOR

011 Swine Brucellosis.

011.01 Identification.

011.01A All slaughter sows and boars received at first point of sale by livestock dealers shall be uniformly identified by the farm of origin, sufficient to distinguish such swine from other swine. The identification shall be recorded on a waybill. Such swine shall then be identified, by the dealer, to the farm of origin by tattoo or other methods acceptable to the State Veterinarian. The identification by the dealer shall be specified on the account of sale.

011.01B Swine reacting to the brucellosis test shall be permanently identified by an official reactor eartag placed in the left ear within fifteen

(15) days following the disclosure of infection.

011.02 Identification Reports. All dealers responsible for identifying swine in accordance with the provisions of Neb. Rev. Stat. §54-1358 shall maintain adequate records of such identification, as prescribed in the recordkeeping provisions of these regulations.

011.03 Official Testing.

011.03A The official tests for swine brucellosis shall be as follows:

011.03A1 Card Test;

011.03A2 Rapid screening test;

011.03A3 Rivanol test; and

011.03A4 Any other testing procedure recognized for use in the diagnosis of swine brucellosis by USDA.

011.03B Testing shall be performed by the approved veterinarian, whenever required or authorized by the Nebraska Swine Brucellosis Act or the regulations adopted thereunder.

012 General. As set out in Neb. Rev. Stat. §54-1705, a dealer's license may be suspended or revoked for violation of any of the animal disease control laws or regulations of the State of Nebraska.

013 Annotation. Neb. Rev. Stat. §§54-1701 to 54-1711, and §§54-701 to 54-705.

## TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

### Chapter 12 - LIVESTOCK AUCTION MARKET REGULATIONS

001 Statement of Purpose. The purpose of these regulations is to aid in carrying out the legislative intent and general purposes of those statutes of Nebraska governing the operation of Livestock Auction Markets in Nebraska.

002 Definitions.

002.01 ACCOUNT OF SALE shall mean a receipt given to the consignor or seller of livestock.

002.02 VS FORM 1-27 is a permit authorizing the movement of diseased or exposed animals, which form shall be issued only by an approved veterinarian or authorized regulatory personnel.

002.03 ANIMAL shall mean any animal, including poultry, other than man but shall exclude fish and reptiles.

002.04 APPROVED EARTAG shall mean a metal identification tag approved by the U.S. Department of Agriculture or the State of Nebraska which shall be placed in the ear to identify officially tested animals.

002.05 APPROVED VETERINARIAN shall mean any accredited veterinarian approved, designated, or certified by the State Veterinarian or Director of Agriculture to perform all required inspections and duties under the disease control laws and regulations.

002.06 BUREAU shall mean the Bureau of Animal Industry of the Department of Agriculture.

002.07 BRUCELLOSIS EXPOSED ANIMALS shall mean animals that are part of a known infected herd or have been in contact with a brucellosis reactor in marketing channels for periods of not less than twenty-four (24) hours, or periods of less than twenty-four (24) hours if the reactor has recently aborted, calved, or had a vaginal or uterine discharge.

002.08 QUALIFIED PSEUDORABIES NEGATIVE HERD shall mean a herd meeting the following criteria:

Qualified pseudorabies negative herd status is attained by subjecting all swine over 6 months of age to an official pseudorabies test and finding all swine so tested negative. If any of the swine so tested are positive, qualified pseudorabies negative herd status is attained by: (1) removing all official pseudorabies test positive swine and cleaning and disinfecting the herd premises; (2) retesting all swine over 6 months of age 30 days after removal of the official pseudorabies test positive swine and finding all swine so tested negative, and (3) retesting all swine over 6 months of age 60 days after removal of the official pseudorabies test positive swine and finding all swine so tested negative. The status of the herd is maintained by an official pseudorabies test of 25 percent of the swine over 6 months of age every 80-105 days and finding all swine so tested negative. All swine over 6 months of age in the herd shall be subjected to the official pseudorabies test each year. However, no swine over 6 months of age in the herd are to be tested twice in 1 year to comply with the 25 percent requirement. A minimum of 90 percent of the swine must have been on the premises and part of the herd for at least 90 days prior to the qualifying test or have entered directly from another qualified pseudorabies negative herd. All additions to the herd must test negative on two official pseudorabies tests not less than 30 days or more than 60 days apart before being added to the herd or be from another qualified pseudorabies negative herd.

002.09 PSEUDORABIES CONTROLLED VACCINATED HERD shall mean a herd meeting the following criteria:

A herd of swine in which all of the swine over 6 months of age are negative to an official pseudorabies test and are vaccinated for pseudorabies within 15 days after such test. The status of the herd is maintained by an official pseudorabies test of 25 percent of the offspring between 16 and 20 weeks of age and finding all swine so tested negative. All additions to the herd must test negative to an official pseudorabies test, be vaccinated for pseudorabies within 15 days after such test, and be added to the herd not more than 30 days after such

test. Pseudorabies controlled vaccinated herds that become positive can be reclassified as a pseudorabies controlled vaccinated herd by (1) testing of all swine over 6 months of age; (2) removal of all swine which are positive to an official pseudorabies test; (3) cleaning and disinfecting the herd premises; (4) retesting all swine over 6 months of age 30 days after removal of the swine which are positive to an official pseudorabies test and finding all swine so tested negative; (5) retesting all swine over 6 months of age 60 days after removal of the swine which are positive to an official pseudorabies test and finding all swine so tested negative; and (6)

vaccinating all swine over 6 months of age for pseudorabies within 15 days of the second negative test.

002.10 CHANGE OF OWNERSHIP TEST shall mean an official brucellosis test performed on all market test cattle.

002.11 HERD TEST for cattle shall mean an official brucellosis test of all eligible cattle in the herd. Eligible cattle shall include those over six (6) months of age except steers, spayed heifers, official vaccinates under eighteen (18) months of age.

002.12 EXPOSED ANIMALS shall mean those that have been in contact with any diseased animals. Such term shall also mean those animals that have been in contact with other exposed animals as defined in this subdivision. Brucellosis exposed animals are as defined in 23 NAC 12-002.07, above.

002.13 FORM A-237 is a health certificate or examination form of the Bureau, which form shall be issued only by an approved veterinarian, after establishing the health status and performing the required tests on the involved animals.

002.14 FORM NBAI-16 is a health certificate or examination form of the Bureau, which form shall be issued only by an approved veterinarian, after establishing the health status and performing the required tests on the involved animals.

002.15 FORM A-276A is the "Quarantine of Animals" form which prohibits or restricts the movement of animals.

002.16 FORM A-276B is a "Brucellosis Quarantine of Cattle" form which prohibits or restricts the movement of cattle affected with, exposed to, or suspected of having, brucellosis.

002.17 FORM A-277 is a "Quarantine of Premises, Vehicles, and Equipment" form which shall be issued to prohibit the use or occupation of such premises, vehicles, and equipment when provided by the animal disease control laws and the regulations thereunder.

002.18 FORM NB-52 is a form for reporting backtags applied.

002.19 FORM NSD-12 is a Shipper's Declaration form furnished by the Bureau which authorizes the release of livestock of unknown brucellosis status to immediate slaughter or to a licensed market for resale to immediate slaughter. The form shall be issued by market personnel and signed by the buyer or his agent. One copy of the form shall accompany the animals to slaughter or to the market.

002.20 FORM B-4 is a form for recording official brucellosis testing.

002.21 HERD shall mean a group of animals of like species maintained on common ground for any purpose, or two or more groups of animals under common ownership or supervision on separate premises which have an interchange of animals.

002.22 IMMEDIATE SLAUGHTER shall mean delivered to an officially inspected slaughter establishment or to a licensed market within seven (7) days of removal from farm of origin or following the date of sale through any market.

002.23 QUARANTINE FACILITY shall mean any enclosure sufficient to prevent animals so enclosed from coming into physical contact with any other animals.

002.24 MCI TAG shall mean an official backtag prescribed by the U.S. Department of Agriculture for identifying livestock moving in commerce. After an animal has been tested for brucellosis, the MCI tag shall be painted yellow with spray paint or a paint stick in such a manner that the tag number is still readable.

002.25 MARKET shall include both Livestock Auction Market as defined in the Nebraska Auction Market Development Act and Livestock Market as defined in the Nebraska Livestock Market Act.

002.26 MARKET CATTLE TEST shall mean an official brucellosis test of market test cattle moving in trade through markets, through livestock dealer concentration points, at slaughtering establishments, or on the farm of origin within 30 days prior to sale or movement.

002.27 MARKET TEST CATTLE shall mean:

002.27A Females, unless spayed, and bulls over twenty-four months of age, and

002.27B Bred heifers over eighteen months of age unless they are official calfhooed vaccinates and not parturient or postparturient.

002.28 OFFICIAL VACCINATE shall mean an animal conforming to the following provisions:

002.28A A calfhooed vaccinated animal shall mean an animal between 2 and 4 months of age that has been vaccinated with a standard dosage of Brucella Strain 19 Vaccine, or an animal between 4 and 12 months of age that has been vaccinated with a diluted dosage of said vaccine in accordance with the procedure set out below:

002.28A1 Store unreconstituted vaccine at 4EC (38EF-40EF).

002.28A2 Non-pyrogenic sterile water may be used if regular diluent is not available.



002.28A3 Dilute the vaccine by the following manner:

002.28A3a Reconstitute a dose of standard vaccine as recommended by manufacturer.

002.28A3b Mix the standard vaccine with the diluent according to the following table:

Standard Diluted Diluted

Vaccine Diluent Vaccine Doses

1.25 cc + 23.75 cc = 25 cc or 12.5

2.50 cc + 47.50 cc = 50 cc or 25

5.00 cc + 95.00 cc = 100 cc or 50

002.28A3c Mix thoroughly and administer a 2 cc dose subcutaneously.

002.28A4 Reconstituted vaccine should be used within hour. Surplus prepared vaccine should be inactivated by mixing disinfectant with vaccine or by autoclaving.

002.28B Calfhood vaccinated animals shall be permanently identified as vaccinates by tattoo and by official vaccination eartag, or by any other form of identification approved by the Bureau. Vaccination tattoos must be applied to the right ear. The tattoo will include the U.S. Registered Shield and V, which will be preceded by a number indicating the quarter of the year and will be followed by a number corresponding to the last digit of the year in which the vaccination was done. Official vaccination eartags shall be applied to the right ear. The eartag will include the State prefix and a V, followed by 2 letters and 4 numbers which will individually identify such vaccinated animal. Individual animal registration tattoos may be substituted for official eartags.

002.29 Class Free State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.30 Class A State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.31 Class B State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.32 Class C State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.33 Test-eligible cattle shall mean all cattle over 18 months of age (as evidenced by the loss of the middle pair of temporary incisor teeth) except steers, spayed heifers, official vaccinates of the dairy breeds under 20 months of age, and official vaccinates of the beef breeds under 24 months of age (as evidenced by the presence of the middle pair of permanent incisor teeth) which are not parturient (springers) or postparturient.

### 003 Administration.

003.01 These regulations will be administered, for the most part, by the Department of Agriculture's Bureau of Animal Industry, located in the State Office Building, Fourth Floor, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509-4787. The telephone number is (402) 471-2351.

003.02 The licensing portions of the Nebraska Auction Market Development Act and these regulations (primarily 23 NAC 12-004 and 005, below), will be administered by the Nebraska Livestock Auction Market Board. The location, address and telephone number of the Board is the same as that of the Bureau of Animal Industry.

004 Application for Licenses. All applications for livestock auction market licenses, including applications for renewal or transfer of such license, shall be made on forms furnished by the Board.

### 005 Rules of Practice and Procedures Governing Hearings on the Issuance of Livestock Auction Market Licenses

#### 005.01 Notice.

005.01A The Director shall fix a reasonable time for the hearing and shall cause a copy of the application, complaint, dispute, or issues involved, together with notice of the time and place of hearing, to be served by mail not less than fifteen (15) days prior to such hearing upon the following:

005.01A1 All duly organized statewide livestock associations in the state who have filed written requests with the board to receive notice of such hearings and such other livestock associations as in the opinion of the Director would be interested in such application; and

005.01A2 The operators of all livestock auction markets in the state; and

005.01A3 Such other persons as in the opinion of the Director would have an interest in the hearing.

005.01B The Director shall give further notice of such hearing by publication of the notice thereof once in a daily or weekly newspaper circulated in the city or village where such hearing is to be held, as in the opinion of the Director will give reasonable public notice of such time and place of hearing to persons interested therein.

005.02 Contents of Complaints. Prior to such notice of hearing involving disagreements or disputes between parties operating under the Nebraska Livestock Auction Market Development Act, the complaining party must submit to the Board a notarized statement attesting to the allegations, grievances, or accusations; if subsequent amendment is necessary, it shall be fully stated as soon as practicable.

005.03 Hearing.

005.03A All parties will be afforded opportunity to present evidence and argument.

005.03B In all hearings before the Board in which the board has filed a complaint against any market license holder, the Board shall be represented by the Attorney General's Office of the State of Nebraska when possible.

005.03C In all hearings before the Board a complete and accurate record shall be kept, which record shall be made available to any interested parties in the hearing; provided, however, that the State of Nebraska shall have no liability for the cost of the transcripts made unless made at its specific request.

005.03D It shall be improper for any person having business before the Board to discuss such business with any Board member at such time or place when all Board members are not together and at which an adversary party may not have had notice of such meeting and an opportunity to be present.

005.03E The Board will hear all evidence of probative value, but will exclude incompetent, immaterial, and repetitious evidence. The Board will give effect to the laws of privilege recognized by law.

005.03F The hearing examiner will administer oaths and compel the production of any papers, books, accounts, documents, and testimony and cause the dispositions of witnesses to be taken in the manner prescribed by law. Documentary evidence shall be made a part of the record of the hearing.

005.03G Every party shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence. The Board will recognize general, technical or scientific facts within its specialized knowledge. All parties will be notified either before or during the hearing or otherwise of the material so noticed and shall be afforded an opportunity to contest the facts so noticed.

#### 005.04 Disposition of Hearing Issues.

005.04A After the hearing the Board may take such matters under advisement as it determines necessary.

005.04B The Board shall make such independent investigations and inquiry as it considers necessary.

005.04C All communications between members of the Board shall be confidential.

005.04D Parties to the proceeding shall receive written notice by registered or certified mail of the decision and order. A copy of the decision and order and accompanying findings and conclusions will be delivered or mailed upon request to each party or his attorney of record.

#### 006 Weighing Requirements.

006.01 Scales. No livestock auction market shall be licensed or, if a license has been issued, continue to operate as a livestock auction market if such market weighs livestock for purposes of purchase or sale and does not have an approved scale operated by a licensed weighmaster. An approved scale shall mean one which satisfies the requirements of the Nebraska statutes relating to weights and measures, Neb. Rev. Stat. §§89-101 to 89-1,103.

006.02 Weighmasters. All livestock weighed on scales in the course of business of a livestock auction market shall be weighed by a weighmaster licensed pursuant to the authority of Neb. Rev. Stat. §54-1175. Applications for such license shall be made on a form furnished by the Bureau.

#### 007 Minimum Veterinary Inspection Fees.

007.01 The following minimum veterinarian inspection fees authorized by Neb. Rev. Stat. §54-1180 shall be collected by the operator of the auction market and remitted to the Bureau:

per head

Cattle for immediate slaughter 8¢

Stocker and feeder cattle 15¢

Fat swine for immediate slaughter 8¢

Feeding and breeding swine 15¢

Sheep for immediate slaughter 8¢

Stocker and feeder sheep 15¢

Horses and mules 50¢

007.02 If the combined charges per head on inspection of all livestock at a livestock auction market on any one sale day do not equal or exceed the guaranteed minimum salary of \$25.00, the minimum fee of \$25.00 shall be remitted. All inspection fees are due on and from the date of collection. All fees must be remitted on or before the tenth day of the month for sales held during the preceding month, accompanied by reports on forms provided by the Bureau.

008 Recordkeeping.

008.01 Each auction market shall keep complete records of all business transactions concerning livestock handled. Such records shall contain the following information:

008.01A The names and addresses of all persons who have purchased, sold, consigned, or taken consignment of livestock;

008.01B The dates of all purchases, sales and deliveries of livestock; and

008.01C A description of the livestock.

008.02 All records shall be kept for a period of at least two years.

009 Facilities. Auction market facilities shall continually meet the following requirements:

009.01 Facilities shall be maintained in a continual state of good repair;

009.02 All areas of the market used for holding, sorting, testing or otherwise handling livestock shall be cleaned and disinfected under the supervision of the approved veterinarian, when necessary. Such activities shall be reported to the office of the State Veterinarian on forms provided by said office;

009.03 All markets shall be equipped with quarantine pens to be used for handling diseased livestock and livestock suspected of being diseased. After being used as a quarantine pen, such a pen shall be used for no other purpose until it has been cleaned and disinfected under the supervision of the certified veterinarian.

009.04 All markets shall be equipped with paved areas for assembling, sorting, testing or other handling of feeding and breeding swine, if such swine are handled by the market. Such areas are to be cleaned after each use for feeding or breeding swine; and

009.05 All markets shall be equipped with suitable and sufficient paved areas for restraining and confining livestock for regulatory purposes.

010 Inspection and Handling of Livestock.

010.01 Approved Veterinarian. The release of livestock from an auction market shall be handled by the approved veterinarian who shall insure all such livestock conform to the requirements of the animal disease control laws and regulations of this state. The certified veterinarian shall inspect all such livestock prior to sale, and shall reject or detain at the owner's expense, all such livestock found or suspected by him to be diseased or exposed to disease. In addition, he shall:

010.01A Perform the collection of blood samples from all market test animals;

010.01B Perform the official market test on all blood samples prior to the release of any animal;

010.01C Complete the application and recording of all eartag numbers, backtag numbers, and test results on the official test chart;

010.01D Promptly mail all blood samples and test charts to the State-Federal Brucellosis Laboratory;

010.01E Issue the following release forms and distribute copies as required thereon:

010.01E1 VS Form 1-27;

010.01E2 Form A-237;

010.01E3 Form A-276B; and

010.01E4 Form A-276A; and

010.01F Furnish the purchaser upon request with documentation of completed official tests.

010.02 Release of Cattle.

010.02A All market test cattle offered for sale, bartered, or sold through a market shall at the time received be identified by a backtag affixed a few inches from midline and just behind either shoulder, All market test cattle shall be tested as provided below except for the following

situations:

010.02A1 Cattle consigned or sold directly from certified brucellosis free herds and accompanied by written proof of such herd status; Provided, such cattle may be yarded separately to maintain their identity and status; and Provided further, that the identity and status shall be maintained until release;

010.02A2 Cattle found to be negative by an official brucellosis test conducted within thirty (30) days prior to sale; Provided, that such animals shall have been individually identified by approved eartag or tattoo and accompanied by an official test record or health certificate showing the identification and test results of each animal, or shall have been identified by an approved eartag and backtag within thirty (30) days prior to sale; and Provided further, that the identity and negative status of such animals shall be maintained until release; and

010.02B All untested market test cattle, except as excluded above, shall move from the market to immediate slaughter. Backtagged market test cattle sold for shipment to immediate slaughter shall be released on a Shipper's Declaration (Form NSD-12).

010.02C Backtagged market test cattle sold for other than immediate slaughter shall be tested negative for brucellosis by the certified veterinarian prior to release, except as provided in 23 NAC 12-010.02D, below.

010.02D Market test cattle (1) not having a negative brucellosis test within thirty (30) days prior to being sold and shipped for other than immediate slaughter or (2) sold directly from certified brucellosis free herds for other than immediate slaughter shall not be released or removed from the market until officially tested negative.

010.02E All market test cattle from Class Band C states shall be brucellosis tested prior to sale. A negative test within the previous thirty (30) days is acceptable if the test information is on the health certificate or test chart accompanying the animals. Cattle released to a farm or ranch shall be quarantined by the market veterinarian to the farm or ranch. The quarantine shall be released following a negative test conducted within 45 to 120 days following issuance of the quarantine. Cattle released to a dealer or another market shall be accompanied by a health certificate. The health certificate shall state that the cattle will be quarantined for a retest upon being resold by the market or dealer. Cattle released to slaughter shall be released on a NSD-12 (Shippers Declaration).

010.02E Official Market Testing release requirements are as follows:

010.02E1a Animals tested at the market at private expense prior to sale;

010.02E1b All tests prior to sale shall be made in the name of the seller or consignor. Each tested animal shall be identified by official eartag and backtag. Negative animals from tested consignments wherein reactors are disclosed shall be either sent to immediate slaughter with VS Form 1-27 or returned to the farm of origin with quarantine for official program testing. If reactors are disclosed in consignments from other states, the entire consignment shall be sold for immediate slaughter provided, the negative animals may be returned to state of origin with permission from said state of origin in accordance with Title 9, Code of Federal Regulations, Part 78.

010.02E2a Tests conducted after sale at private expense on backtagged cattle not sold for immediate slaughter:

010.02E2b The lot of each purchaser shall be tested in his name; and tested animals shall be individually identified by official eartag and backtag. Reactors shall be tagged, branded, and shipped to immediate slaughter. Exposed animals tested negative from the lot of a seller where any reactor has been disclosed by test shall be sent to immediate slaughter with VS Form 1-27, and be either "S" branded or moved in sealed trucks.

010.02E3 All reactors disclosed at the market shall be tagged and branded prior to removal from the market.

010.02F Reactors, suspects or exposed animals consigned for sale shall move in commerce accompanied by a VS Form 1-27. Such animals shall be released only for immediate slaughter.

010.03 Release of Swine.

010.03A Feeding and breeding swine may move through a market, subject to the following requirements:

010.03A1 Such swine, originating in Nebraska, shall have been confined on the premises of origin for not less than thirty (30) continuous days preceding the movement through the market.

010.03A2 Swine infected with, exposed to, or suspected of having been exposed to any dangerous, infectious, contagious, communicable or otherwise transmissible disease shall be returned to the premises of the owner or moved to immediate slaughter. Swine affected with atrophic rhinitis or chronic arthritis and all swine originating in the same consignment, shall be identified by a yellow water resistant marking over or along the back.

010.03A3 Swine released from an auction market shall be confined on the premises of the purchaser for thirty (30) days separate from all other swine, except when moved directly out of Nebraska pursuant to the import requirements of the state of destination.

010.03B Slaughter swine, except garbage-fed swine, may move through a market, subject to the following requirements:

010.03B1 Native swine shall be moved directly to slaughter establishment, market, or dealer concentration point providing for state or federal inspection.

010.03B2 Swine originating in other states shall follow the import laws and regulations of this state.

010.03C Garbage-fed slaughter swine shall move to immediate slaughter.



#### 010.04 Requirements for Release of Sheep.

010.04A Scabies. Sheep may move from a market, Provided:

010.04A1 They are consigned for immediate slaughter; or

010.04A2 They originate from a scabies free area, show no evidence of scabies, and have not been exposed thereto; or

010.04A3 They are from a non-quarantined flock or band in a federally designated scabies infected or eradication area, and treated within ten (10) days of movement with an approved pesticide under supervision of an approved veterinarian.

010.04B Ram Epididymitis. Breeding bucks shall be individually examined prior to sale, and shall be free of gross lesions of ram epididymitis.

010.04C Contagious Ecthyma (Sore Mouth). All sheep affected with, or exposed to, contagious ecthyma shall be immediately removed from the market and returned under quarantine to the premises of the seller or consignor.

#### 011 Official Testing - Cattle Brucellosis

011.01 All market test cattle that are sold or bartered through an auction market, except cattle sold to immediate slaughter, shall be brucellosis tested in the manner prescribed below.

011.02 The official brucellosis testing classifications shall be as follows:

011.02A The testing procedure to be utilized in auction markets shall be the card test, conducted by the approved veterinarian and confirmed in the State-Federal Laboratory by the same testing procedure. Any animal which is positive to such test shall be classified as a reactor. Any animal which is negative to such test shall be classified negative.

011.02B Notwithstanding 23 NAC 12-011.02A, above, any market may use the standard plate test in lieu of the card test upon a signed, written request to the State Veterinarian and approval by the State Veterinarian to conduct such test, which test shall thereafter be the sole test used at such facility. Results of the standard plate test shall be confirmed in the State-Federal Laboratory by the same testing procedure. Standard plate test classifications are as follows:

Official Vaccinates All Others

1:50 1:100 1:200 1:50 1:100 1:200

- - - NEGATIVE - - - NEGATIVE

1 - - NEGATIVE 1 - - SUSPECT

+ - - NEGATIVE + - - SUSPECT

+ 1 - SUSPECT + 1 - SUSPECT

+ + - SUSPECT + + - REACTOR

+ + 1 SUSPECT + + 1 REACTOR

+ + + REACTOR + + + REACTOR

## 012 Swine Brucellosis

### 012.01 Identification.

012.01A All slaughter sows and boars received at first point of sale by markets shall be uniformly identified by the farm of origin, sufficient to distinguish such swine from other swine. The identification shall be recorded on a waybill. Such swine shall then be identified, by the auction market, to the farm of origin by tattoo or other methods acceptable to the State Veterinarian. The identification by the market shall be specified on the account of sale.

012.01B Swine reacting to the brucellosis test shall be permanently identified by an official reactor eartag placed in the left ear within fifteen (15) days following the disclosure of infection.

012.02 Identification Reports. All auction markets responsible for identifying swine in accordance with the provisions of Neb. Rev. Stat. §54-1358 shall maintain adequate records of such identification, as prescribed in the recordkeeping provisions of these regulations.

### 012.03 Official Testing.

012.03A The official tests for swine brucellosis shall be as follows:

012.03A1 Card Test;

012.03A2 Rapid screening test;

012.03A3 Rivanol test; and

012.03A4 Any other testing procedure recognized for use in the diagnosis of swine brucellosis by USDA.

012.03B Testing shall be performed by the approved veterinarian, whenever required or authorized by the Nebraska Swine Brucellosis Act or the regulations adopted thereunder.

013 Annotation. Neb. Rev. Stat. §§54-1157 to 54-1186 and §§54-701 to 54-705.

## TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

### Chapter 13 - LIVESTOCK MARKET REGULATIONS

001 Statement of Purpose. The purpose of these regulations is to aid in carrying out the legislative intent and general purposes of those statutes of Nebraska governing the operation of Livestock Markets in Nebraska.

#### 002 Definitions.

002.01 ACCOUNT OF SALE shall mean a receipt given to the consignor or seller of livestock.

002.02 VS FORM 1-27 is a permit authorizing the movement of diseased or exposed animals, which form shall be issued only by an approved veterinarian or authorized regulatory personnel.

002.03 ANIMAL shall mean any animal, including poultry, other than man but shall exclude fish and reptiles.

002.04 APPROVED EARTAG shall mean a metal identification tag approved by the U.S. Department of Agriculture or the State of Nebraska which shall be placed in the ear to identify officially tested animals.

002.05 APPROVED VETERINARIAN shall mean any accredited veterinarian approved, designated, or certified by the State Veterinarian or Director of Agriculture to perform all required inspections and duties under the disease control laws and regulations.

002.06 BUREAU shall mean the Bureau of Animal Industry of the Department of Agriculture.

002.07 BRUCELLOSIS EXPOSED ANIMALS shall mean animals that are part of a known infected herd or have been in contact with a brucellosis reactor in marketing channels for periods of not less than twenty-four (24) hours, or periods of less than twenty-four (24) hours if the reactor has recently aborted, calved, or had a vaginal or uterine discharge.

002.08 QUALIFIED PSEUDORABIES NEGATIVE HERD shall mean a herd meeting the following criteria:

Qualified pseudorabies negative herd status is attained by subjecting all swine over 6 months of age to an official pseudorabies test and finding all swine so tested negative. If any of the swine so tested are positive, qualified pseudorabies negative herd status is attained by: (1) removing all official pseudorabies test positive swine and cleaning and disinfecting the herd premises; (2) retesting all swine over 6 months of age 30 days after removal of the official pseudorabies test positive swine and finding all swine so tested negative, and (3) retesting all swine over 6 months of age 60 days after removal of the official pseudorabies test positive swine and finding all swine so tested negative. The status of the herd is maintained by an official pseudorabies test of 25 percent of the swine over 6 months of age every 80-105 days and finding all swine so tested negative. All swine over 6 months of age in the herd shall be subjected to the official pseudorabies test each year. However, no swine over 6 months of age in the herd are to be tested twice in 1 year to comply with the 25 percent requirement. A minimum of 90 percent of the swine must have been on the premises and part of the herd for at least 90 days prior to the qualifying test or have entered directly from another qualified pseudorabies negative herd. All additions to the herd must test negative on two official pseudorabies tests not less than 30 days or more than 60 days apart before being added to the herd or be from another qualified pseudorabies negative herd.

002.09 PSEUDORABIES CONTROLLED VACCINATED HERD shall mean a herd meeting the following criteria:

A herd of swine in which all of the swine over 6 months of age are negative to an official pseudorabies test and are vaccinated for pseudorabies within 15 days after such test. The status of the herd is maintained by an official pseudorabies test of 25 percent of the offspring between 16 and 20 weeks of age and finding all swine so tested negative. All additions to the herd must test negative to an official pseudorabies test, be vaccinated for pseudorabies within 15 days after such test, and be added to the herd not more than 30 days after such test. Pseudorabies controlled vaccinated herds that become positive can be reclassified as a pseudorabies controlled vaccinated herd by (1) testing of all swine over 6 months of age; (2) removal of all swine which are positive to an official pseudorabies test; (3) cleaning and disinfecting the herd premises; (4) retesting all swine over 6 months of age 30 days after removal of the swine which are positive to an official pseudorabies test and finding all swine so tested negative; (5) retesting all swine over 6 months of age 60 days after removal of the swine which are positive to an official pseudorabies test and finding all swine so tested negative; and (6) vaccinating all swine over 6 months of age for pseudorabies within 15 days of the second negative test.

002.10 CHANGE OF OWNERSHIP TEST shall mean an official brucellosis test performed on all market test cattle.

002.11 HERD TEST for cattle shall mean an official brucellosis test of all eligible cattle in the herd. Eligible cattle shall include those over six (6) months of age except steers, spayed heifers, official vaccinates under eighteen (18) months of age.

002.12 EXPOSED ANIMALS shall mean those that have been in contact with any diseased animals. Such term shall also mean those animals that have been in contact with other exposed animals as defined in this subdivision. Brucellosis exposed animals are as defined in 23 NAC 13-002.07, above.

002.13 FORM A-237 is a health certificate or examination form of the Bureau, which form shall be issued only by an approved veterinarian,

after establishing the health status and performing the required tests on the involved animals.

002.14 FORM NBAI-16 is a health certificate or examination form of the Bureau, which form shall be issued only by an approved veterinarian, after establishing the health status and performing the required tests on the involved animals.

002.15 FORM A-276A is the "Quarantine of Animals" form which prohibits or restricts the movement of animals.

002.16 FORM A-276B is a "Brucellosis Quarantine of Cattle" form which prohibits or restricts the movement of cattle affected with, exposed to, or suspected of having, brucellosis.

002.17 FORM A-277 is a "Quarantine of Premises, Vehicles, and Equipment" form which shall be issued to prohibit the use or occupation of such premises, vehicles, and equipment when provided by the animal disease control laws and the regulations thereunder.

002.18 FORM NB-52 is a form for reporting backtags applied.

002.19 FORM NSD-12 is a Shipper's Declaration form furnished by the Bureau which authorizes the release of livestock of unknown brucellosis status to immediate slaughter or to a licensed market for resale to immediate slaughter. The form shall be issued by market personnel and signed by the buyer or his agent. One copy of the form shall accompany the animals to slaughter or to the market.

002.20 FORM B-4 is a form for recording official brucellosis testing.

002.21 HERD shall mean a group of animals of like species maintained on common ground for any purpose, or two or more groups of animals under common ownership or supervision on separate premises which have an interchange of animals.

002.22 IMMEDIATE SLAUGHTER shall mean delivered to an officially inspected slaughter establishment or to a licensed market within seven (7) days of removal from farm of origin or following the date of sale through any market.

002.23 QUARANTINE FACILITY shall mean any enclosure sufficient to prevent animals so enclosed from coming into physical contact with any other animals.

002.24 MCI TAG shall mean an official backtag prescribed by the U.S. Department of Agriculture for identifying livestock moving in commerce. After an animal has been tested for brucellosis, the MCI tag shall be painted yellow with spray paint or a paint stick in such a manner that the tag number is still readable.

002.25 MARKET shall include both Livestock Auction Market as defined in the Nebraska Auction Market Development Act and Livestock Market as defined in the Nebraska Livestock Market Act.

002.26 MARKET CATTLE TEST shall mean an official brucellosis test of market test cattle moving in trade through markets, through livestock dealer concentration points, at slaughtering establishments, or on the farm of origin within 30 days prior to sale or movement.

002.27 MARKET TEST CATTLE shall mean:

002.27A Females, unless spayed, and bulls over twenty-four months of age, and

002.27B Bred heifers over eighteen months of age unless they are official calfhooed vaccinates and not parturient or post parturient.

002.28 OFFICIAL VACCINATE shall mean an animal conforming to the following provisions:

002.28A A calfhooed vaccinated animal shall mean an animal between 2 and 4 months of age that has been vaccinated with a standard dosage of Brucella Strain 19 Vaccine, or an animal between 4 and 12 months of age that has been vaccinated with a diluted dosage of said vaccine in accordance with the procedure set out below:

002.28A1 Store unreconstituted vaccine at 4EC (38E-40EF).

002.28A2 Non-pyrogenic sterile water may be used if regular diluent is not available.

002.28A3 Dilute the vaccine by the following manner:

002.28A3a Reconstitute a dose of standard vaccine as recommended by manufacturer.

002.28A3b Mix the standard vaccine with the diluent according to the following table:

Standard Diluted Diluted

Vaccine Diluent VaccineDoses

1.25 cc + 23.75 cc = 25 cc or 12.5

2.50 cc + 47.50 cc = 50 cc or 25

5.00 cc + 95.00 cc = 100 cc or 50

002.28A3c Mix thoroughly and administer a 2 cc dose subcutaneously.

002.28A4 Reconstituted vaccine should be used within 1 hour Surplus prepared vaccine should be inactivated by mixing disinfectant with vaccine or by autoclaving.

002.28B Calfhood vaccinated animals shall be permanently identified as vaccinates by tattoo and by official vaccination eartag, or by any other form of identification approved by the Bureau. Vaccination tattoos must be applied to the right ear. The tattoo will include the U.S. Registered Shield and V, which will be preceded by a number indicating the quarter of the year and will be followed by a number corresponding to the last digit of the year in which the vaccination was done. Official vaccination eartags shall be applied to the right ear. The eartag will include the State prefix and a V, followed by 2 letters and 4 numbers which will individually identify such vaccinated animal. Individual animal registration tattoos may be substituted for official eartags.

002.29 Class Free State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.30 Class A State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.31 Class B State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.32 Class C State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.33 Test-eligible cattle shall mean all cattle over 18 months of age (as evidenced by the loss of the middle pair of temporary incisor teeth) except steers, spayed heifers, official vaccinates of the dairy breeds under 20 months of age, and official vaccinates of the beef breeds under 24 months of age (as evidenced by the presence of the middle pair of permanent incisor teeth) which are not parturient (springers) or postparturient.

003 Administration. These regulations shall be administered by the Department of Agriculture's Bureau of Animal Industry, located in the State Office Building, fourth floor, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509-4787. The telephone number is (402) 471-2351.

004 Application for Licenses. All applications for livestock market licenses shall be made on forms furnished by the Bureau, as shall applications for renewal or transfer of licenses.

## 005 Weighing Requirements.

005.01 Scales. All livestock weighed on scales in the course of business of a livestock market shall be weighed on a scale which satisfies the requirements of the Nebraska statutes relating to weights and measures, Neb. Stat. Rev. §§89-101 to 89-1,103.

005.02 Weighmasters. All livestock weighed on scales in the course of business of a livestock market shall be weighed by a weighmaster licensed pursuant to the authority of Neb. Rev. Stat. §54-2009. Applications for such license shall be made on a form furnished by the bureau.

## 006. Recordkeeping.

006.01 Each market shall keep complete records of all business transactions concerning livestock handled. Such records shall contain the following information:

006.01A The names and addresses of all persons who have purchased, sold, consigned, or taken consignment of livestock;

006.01B The dates of all purchases, sales and deliveries of livestock; and

006.01C A description of the livestock.

006.02 All records shall be kept for a period of at least two years.

007 Facilities. Market facilities shall continually meet the following requirements:

007.01 Facilities shall be maintained in a continual state of good repair;

007.02 All areas of the market used for holding, sorting, testing or otherwise handling livestock shall be cleaned and disinfected under the supervision of the certified veterinarian, when necessary. Such activities shall be reported to the office of the State Veterinarian on forms provided by said office;

007.03 All markets shall be equipped with quarantine pens to be used for handling diseased livestock and livestock suspected of being diseased. After being used as a quarantine pen, such a pen shall be used for no other purpose until it has been cleaned and disinfected under the supervision of the certified veterinarian.

007.04 All markets shall be equipped with paved areas for assembling, sorting, testing or other handling of feeding and breeding swine, if such swine are handled by the market. Such areas are to be cleaned after each use for feeding or breeding swine; and



007.05 All markets shall be equipped with suitable and sufficient paved areas for restraining and confining livestock for regulatory purposes.

008 Inspection and Handling of Livestock.

008.01 Certified Veterinarian. The release of livestock from a market shall be handled by the certified veterinarian who shall insure all such livestock conform to the requirements of the animal disease control laws and regulations of this state. The certified veterinarian shall inspect all such livestock as prescribed by the Act, and shall reject or detain all such livestock found or suspected by him to be diseased or exposed to disease. In addition, he shall:

008.01A Perform the collection of blood samples from all market test animals;

008.01B Perform the official market test on all blood samples prior to the release of any animal;

008.01C Complete the application and recording of all eartag numbers, backtag numbers, and test results on the official test chart;

008.01D Promptly mail all blood samples and test charts to the State-Federal Brucellosis Laboratory;

008.01E Issue the following release forms and distribute copies as required thereon:

008.01E1 VS Form 1-27;

008.01E2 Form A-237;

008.01E3 Form A-276B; and

008.01E4 Form A-276A; and

008.01F Furnish the purchaser upon request with documentation of completed official tests.

008.02 Release of Cattle.

008.02A All market test cattle offered for sale, bartered, or sold through a market shall at the time received be identified by a backtag affixed a few inches from midline and just behind either shoulder. All market test cattle shall be tested as provided below except for the following situations:

008.02A1 Cattle consigned or sold directly from certified brucellosis free herds and accompanied by written proof of such herd status;

Provided, such cattle may be yarded separately to maintain their identity and status; and Provided further, that the identity and status shall be maintained until release;

008.02A2 Cattle found to be negative by an official brucellosis test conducted within thirty (30) days prior to sale; Provided, that such animals shall have been individually identified by approved eartag or tattoo and accompanied by an official test record or health certificate showing the identification and test results of each animal, or shall have been identified by an approved eartag and backtag within thirty (30) days prior to sale; and Provided further, that the identity and negative status of such animals shall be maintained until release; and

008.02B All untested market test cattle, except as excluded above, shall move from the market to immediate slaughter. Backtagged market test cattle sold for shipment to immediate slaughter shall be released on a Shipper's Declaration (Form NSD-12).

008.02C Backtagged market test cattle sold for other than immediate slaughter shall be tested negative for brucellosis by the certified veterinarian prior to release, except as provided in 23 NAC 13-008.02D, below.

008.02D Market test cattle (1) not having a negative brucellosis test within thirty (30) days prior to being sold and shipped for other than immediate slaughter or (2) sold directly from certified brucellosis free herds for other than immediate slaughter shall not be released or removed from the market until officially tested negative.

008.02E Official Market Testing release requirements are as follows:

008.02E1a Animals tested at the market at private expense prior to sale:

008.02E1b All tests prior to sale shall be made in the name of the seller or consignor. Each tested animal shall be identified by official eartag and backtag. Negative animals from tested consignments wherein reactors are disclosed shall be either sent to immediate slaughter with VS Form 1-27 or returned to the farm of origin with quarantine for official program testing. If reactors are disclosed in consignments from other states, the entire consignment shall be sold for immediate slaughter provided, the negative animals may be returned to state of origin with permission from said state of origin in accordance with Title 9, Code of Federal Regulations, Part 78.

008.02E2a Tests conducted after sale at private expense on backtagged cattle not sold for immediate slaughter:

008.02E2b The lot of each purchaser shall be tested in his name, and tested animals shall be individually identified by official eartag and backtag. Reactors shall be tagged, branded, and shipped to immediate slaughter. Exposed animals tested negative from the lot of a seller where any reactor has been disclosed by test shall be sent to immediate slaughter with VS Form 1-27, and be either "S" branded or moved in sealed trucks.

008.02E3 All reactors disclosed at the market shall be tagged and branded prior to removal from the market.

008.02F Reactors, suspects or exposed animals consigned for sale shall move in commerce accompanied by a VS Form 1-27. Such animals shall be released only for immediate slaughter.

008.02G All market test cattle from Class Band C states shall be brucellosis tested prior to sale. A negative test within the previous thirty (30) days is acceptable if the test information is on the health certificate or test chart accompanying the animals. Cattle released to a farm or ranch shall be quarantined by the market veterinarian to the farm or ranch. The quarantine shall be released following a negative test conducted within 45 to 120 days following issuance of the quarantine. Cattle released to a dealer or another market shall be accompanied by a health certificate. The health certificate shall state that the cattle will be quarantined for a retest upon being resold by the market or dealer. Cattle released to slaughter shall be released on a NSD-12 (Shippers Declaration).

### 008.03 Release of Swine.

008.03A Feeding and breeding swine may move through a market, subject to the following requirements:

008.03A1 Such swine, originating in Nebraska, shall have been confined on the premises of origin for not less than thirty (30) continuous days preceding the movement through the market.

008.03A2 Swine infected with, exposed to, or suspected of having been exposed to any dangerous, infectious, contagious, communicable or otherwise transmissible disease shall be returned to the premises of the owner or moved to immediate slaughter. Swine affected with atrophic rhinitis or chronic arthritis and all swine originating in the same consignment, shall be identified by a yellow water resistant marking over or along the back.

008.03A3 Swine released from a market shall be confined on the premises of the purchaser for thirty (30) days separate from all other swine, except when moved directly out of Nebraska pursuant to the import requirements of the state of destination.

008.03B Slaughter swine, except garbage-fed swine, may move through a market, subject to the following requirements:

008.03B1 Native swine shall be moved directly to slaughter establishment, market, or dealer concentration point providing for state or federal inspection.

008.03B2 Swine originating in other states shall follow the import laws and regulations of this state.

008.03C Garbage-fed slaughter swine shall move to immediate slaughter.

### 008.04 Requirements for Release of Sheep.

008.04A Scabies. Sheep may move from a market, Provided:

008.04A1 They are consigned for immediate slaughter; or

008.04A2 They originate from a scabies free area, show no evidence of scabies, and have not been exposed thereto; or

008.04A3 They are from a non-quarantined flock or band in a federally designated scabies infected or eradication area, and treated within ten (10) days of movement with an approved pesticide under supervision of an approved veterinarian.

008.04B Ram Epididymitis. Breeding bucks shall be individually examined prior to sale, and shall be free of gross lesions of ram epididymitis.

008.04C Contagious Ecthyma (Sore Mouth). All sheep affected with, or exposed to, contagious ecthyma shall be immediately removed from the market and returned under quarantine to the premises of the seller or consignor.

#### 009 Official Testing - Cattle Brucellosis.

009.01 All market test cattle that are sold or bartered through a market, except cattle sold to immediate slaughter, shall be brucellosis tested in the manner prescribed below.

009.02 The official brucellosis testing classifications shall be as follows:

009.02A The testing procedure to be utilized in markets shall be the card test, conducted by the certified veterinarian and confirmed in the State-Federal Laboratory by the same testing procedure. Any animal which is positive to such test shall be classified as a reactor. Any animal which is negative to such test shall be classified negative.

009.02B Notwithstanding 23 NAC 13-009.02A, above, any market may use the standard plate test in lieu of the card test upon a signed, written request to the State Veterinarian and approval by the State Veterinarian to conduct such test, which test shall thereafter be the sole test used at such facility. Results of the standard plate test shall be confirmed in the State-Federal Laboratory by the same testing procedure. Standard plate test classifications are as follows:

#### Official Vaccinates All Others

1:50 1:100 1:200 1:50 1:100 1:200

- - - NEGATIVE - - - NEGATIVE

1 - - NEGATIVE 1 - - SUSPECT

+ - - NEGATIVE + - - SUSPECT

+ 1 - SUSPECT + 1 - SUSPECT

+ + - SUSPECT + + - REACTOR

+ + 1 SUSPECT + + 1 REACTOR

+ + + REACTOR + + + REACTOR

#### 010 Swine Brucellosis.

##### 010.01 Identification.

010.01A All slaughter sows and boars received at first point of sale by markets shall be uniformly identified by the farm of origin, sufficient to distinguish such swine from other swine. The identification shall be recorded on a waybill. Such swine shall then be identified, by the market, to the farm of origin by tattoo or other methods acceptable to the State Veterinarian. The identification by the market shall be specified on the account of sale.

010.01B Swine reacting to the brucellosis test shall be permanently identified by an official reactor eartag placed in the left ear within fifteen (15) days following the disclosure of infection.

010.02 Identification Reports. All markets responsible for identifying swine in accordance with the provisions of Neb. Stat. Rev. §54-1358 shall maintain adequate records of such identification, as prescribed in the recordkeeping provisions of these regulations.

##### 010.03 Official Testing.

010.03A The official tests for swine brucellosis shall be as follows:

010.03A1 Card Test;

010.03A2 Rapid screening test;

010.03A3 Rivanol test; and

010.03A4 Any other testing procedure recognized for use in the diagnosis of swine brucellosis by USDA.

010.03B Testing shall be performed by the certified veterinarian, whenever required or authorized by the Nebraska Swine Brucellosis Act or the regulations adopted thereunder.

011 Annotation. Neb. Stat. Rev. §§54-2001 to 54-2019 and §§54-701 to 54-705.

## TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

### Chapter 14 - GARBAGE FEEDING

001 Statement of Purpose. The purpose of this rule is to exempt certain materials from being deemed to be garbage under the provisions of Neb. Rev. Stat. §54-753.01 (Cum. Supp. 1980). The exemption set out in 23 NAC 14-002, below, is deemed to be in the best interests of the livestock industry of Nebraska, and not detrimental to the public health, safety or general welfare.

002 Exemption. The materials of a nonmeat nature listed below, when such materials are by-products of commercial food processing operations, shall be exempt from being deemed to be garbage under the provisions of Neb. Rev. Stat. §54-753.01 (Cum. Supp. 1980):

002.01. Plant materials,

002.02. Fruit,

002.03. Vegetables, and

002.04. Any other food by-products of a nonmeat nature which do not, in whole or in part, consist of meat or poultry, or meat or poultry products.

003 Annotation. Neb. Rev. Stat. §54-753.01.

## NEBRASKA ADMINISTRATIVE CODE

LAST DATE AMENDED: November 19, 1992

## TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

### Chapter 15 - PSEUDORABIES REGULATIONS

001 Statement of Purpose. The purpose of these regulations is to aid in administering the Pseudorabies Control and Eradication Act, Neb.

Rev. Stat. §§54-2235 to 54-22,100.

002 Administration and Reporting.

002.01 These regulations are administered by the Bureau of Animal Industry of the Department of Agriculture, fourth floor, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509. The telephone number is (402) 471-2351, FAX: (402) 471-3252.

002.02 As prescribed in the provisions of Neb. Rev. Stat. §54-742, facts, belief, or suspicions regarding presence of pseudorabies in livestock in Nebraska shall be immediately reported to the Department of Agriculture.

002.03 Any person maintaining a pseudorabies monitored herd, a qualified pseudorabies negative herd, a Stage II, III, IV or V herd, a restricted premises, an approved feeding facility, an approved breeding facility, or a herd under quarantine shall keep all written documents and a complete and accurate record of all sales, purchases, or other movement of swine for a period of two years from the date of transaction. Such records shall include: (1) the names and addresses of the consignor and consignee; (2) identification of breeding swine and number and description of feeder pigs; (3) the date and destination of the shipment; (4) the name of the pseudorabies vaccine and the number of doses purchased; and (5) any additional information required by the Bureau. These records shall be made available to the Bureau for inspection at reasonable times upon request.

003 General. Whenever required by the provisions of these regulations, or whenever a person desires approval to engage in an activity restricted by these regulations, or whenever any required action under these regulations has a designated time limit for completion and an extension of the time is desired, the person responsible for such action or activity shall request permission from the Bureau. Application for permission shall specifically, completely, and accurately describe the need and may either be made by telephone, in person, or in writing. Permission, if granted, shall be in writing and signed by the Bureau. However, applicants may be advised in advance by telephone or in person by the Bureau that written permission shall be granted. Permission may be issued only when it is in the best interest of the livestock industry and the State of Nebraska to do so and when it is consistent with sound animal health practice. Permission may be withheld or revoked for violation by the holder thereof of stated conditions. Notice of withdrawal or revocation of such permission shall be given to the holder thereof in writing by the Bureau.

004 Definitions. The definition of terms found in the Pseudorabies Control and Eradication Act shall apply to such terms when found in these regulations. The terms and their definitions set out in this section shall have the same meaning throughout these regulations.

004.01 ACCREDITED VETERINARIAN shall mean a veterinarian approved by the Deputy Administrator of the United States Department of Agriculture in accordance with 9 C.F.R. part 161, Neb. Rev. Stat. §54-2238. A copy of 9 C.F.R. part 161 is attached to these regulations as Appendix A and incorporated herein by reference.

004.02 ADMINISTRATOR shall mean the administrator of APHIS or any person authorized to act for the administrator.

004.03 AFFECTED HERD shall mean a herd in which livestock are infected, Neb. Rev. Stat. §54-2239.

004.04 AFFECTED SWINE HERD shall mean a swine herd in which swine have been determined by the results of an official test to be infected with or diagnosed by a veterinarian as having pseudorabies, Neb. Rev. Stat. §54-2241.

004.05 APHIS shall mean the Animal and Plant Health Inspection Service of the USDA.

004.06 APPROVED BREEDING FACILITY shall mean a swine breeding facility approved by the Bureau, as set forth in subsection 010.02, to produce breeding swine from a quarantined herd.

004.07 APPROVED FEEDING FACILITY shall mean a swine feeding facility approved by the Bureau, as set forth in subsection 011.01, to receive quarantined feeder swine for feeding that weigh less than 120 pounds.

004.08 AREA TESTING shall mean testing of a random sample of each swine herd in a program area, Neb. Rev. Stat. §54-2242.

004.09 BREEDING HERD shall mean a swine herd containing breeding swine.

004.10 BREEDING SWINE shall mean boars, sows, and gilts being used or intended for use for reproductive purposes, Neb. Rev. Stat. §54-2243.

004.11 BUREAU shall mean the Bureau of Animal Industry of the department and shall include: (1) state veterinarian, deputy state veterinarian, animal epidemiologist, and any other veterinarians, livestock inspectors, investigators, and other employees all whom are employed by the Bureau; and (2) veterinarians, animal health technicians, and investigators employed by APHIS and performing duties delegated to them by the Bureau.

004.12 CIRCLE TESTING shall mean testing of a random sample of each swine herd located within one mile of the affected premises if in a Stage II status area and within one and one-half miles if in a Stage III status area.

Stage II and Stage III status areas are established pursuant to the Part III Program Stages and Requirements of the State-Federal-Industry Program Standards for Pseudorabies Eradication as approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, in effect on July 19, 1996, Neb. Rev. Stat. §54-2244. A copy of Part III of Program Stages and Requirements of Pseudorabies Eradication State-Federal-Industry Program Standards, Effective January 1, 1996 is attached to these regulations as Appendix M and incorporated herein by reference.

004.13 CLASSIFICATION shall mean determination made by the Bureau of the pseudorabies status of a swine as either positive, negative, or suspect based on the results of an official test.



004.14 CLEAN AND DISINFECT shall mean the removal of litter, feed, and manure in such a manner so as not to expose livestock to such litter, feed, and manure and the cleaning of buildings, outside lots, associated equipment, and vehicles with a general disinfectant which has been shown to be virucidal against the pseudorabies virus.

004.15 CLEANUP TESTING shall mean testing done in an affected swine herd as part of a swine herd cleanup plan, Neb. Rev. Stat. §54-2245.

004.16 CONCENTRATION POINT shall mean any facility where livestock from two or more herds are assembled and subsequently dispersed to one or more locations, Neb. Rev. Stat. §54-2246.

004.17 CONTACT shall mean direct access to other swine or the litter, feed, excrement, or discharges of such swine.

004.18 DEPARTMENT shall mean the Department of Agriculture or its authorized agent, Neb. Rev. Stat. §54-2247.

004.19 EXPOSED shall mean being part of an affected herd or having had a reasonable opportunity to come in contact with infected livestock or a pseudorabies virus, Neb. Rev. Stat. §54-2248.

004.20 FEE BASIS shall mean the payment schedule set forth in section 016 used to pay veterinarians from state funds for authorized work conducted in accordance with the Pseudorabies Control and Eradication Act and regulations adopted and promulgated thereunder.

004.21 FEEDER SWINE shall mean swine being fed or intended to be fed for weight-gaining purposes and eventual slaughter, Neb. Rev. Stat. §54-2249.

004.22 FERAL SWINE shall mean swine that have lived any part of their lives as free-roaming and have not been tested according to section 022 of these regulations.

004.23 HEALTH CERTIFICATE or CERTIFICATE OF VETERINARY INSPECTION shall mean a legible record issued by an accredited veterinarian covering the requirements of the state or country of destination, recorded on an official form of the state of origin or an approved form from the USDA. A copy of a Certificate of Veterinary Inspection, Form A 237 is attached to these regulations as Appendix B and incorporated herein by reference.

004.24 HERD shall mean (1) any group of livestock maintained on common ground for any purpose or (2) two or more groups of livestock under common ownership or supervision geographically separated but which have an interchange of livestock without regard to whether the livestock are infected or exposed, Neb. Rev. Stat. §54-2250.

004.25 HERD ADDITION shall mean the addition of swine to an existing swine herd, and shall include swine added by farrowing.

004.26 HERD STATUS CERTIFICATE shall mean a herd status card issued by the Nebraska Department of Agriculture, Bureau of Animal Industry. A copy of this document is attached to these regulations as Appendix I and incorporated herein by reference.

004.27 IDENTIFICATION shall mean eartag, swine backtag, tattoo, ear notching, or other identification which is approved by USDA and applied to swine and which individually identifies such swine in or to the swine herd.

004.28 INFECTED shall mean determined by the results of an official test or diagnosed by a veterinarian as having pseudorabies, Neb. Rev. Stat. §54-2251.

004.29 ISOLATION shall mean separation of livestock by a physical barrier in such a manner that other livestock do not have access to the isolated livestock's body, excrement, or discharges; also, not allowing the isolated livestock to share a building with a common ventilation system with other livestock; and, also, not allowing the isolated livestock to be within ten feet of other livestock if not sharing a building with a common ventilation system.

004.30 LIVESTOCK shall mean cattle, swine, sheep, or goats, Neb. Rev. Stat. §54-2252.

004.31 MOVE FOR SLAUGHTER shall mean the transportation of swine from the swine herd to: (1) a recognized slaughtering establishment for slaughter; or (2) a concentration point, and then to a recognized slaughtering establishment for slaughter; or (3) a concentration point, to a slaughter market, and then to a recognized slaughtering establishment for slaughter; or (4) a slaughter market, and then to a recognized slaughtering establishment for slaughter.

004.32 NEGATIVE shall mean not infected as determined by the department based on the results of an official test, Neb. Rev. Stat. §54-2253.

004.33 OFFICIAL GENE-ALTERED PSEUDORABIES VACCINATE shall mean swine vaccinated with an official gene-altered pseudorabies vaccine licensed by USDA, and used in accordance with directions on the label of such vaccine.

004.34 OFFICIAL GENE-ALTERED PSEUDORABIES VACCINE shall mean any official pseudorabies vaccine which is licensed by USDA and for which there is an approved differential pseudorabies test.

004.35 OFFICIAL PSEUDORABIES VACCINATE shall mean a swine vaccinated with an official pseudorabies vaccine licensed by USDA, and used in accordance with the directions on the label of such vaccine.

004.36 OFFICIAL PSEUDORABIES VACCINE shall mean any pseudorabies virus vaccine produced under license from the Secretary of Agriculture.

004.37 OFFICIAL TEST shall mean any testing procedure recognized for use in the diagnosis of pseudorabies by (1) the United States Department of Agriculture in 9 C.F.R. part 85, in effect on July 19, 1996, or (2) the department in rules and regulations adopted and

promulgated pursuant to the Pseudorabies Control and Eradication Act, Neb. Rev. Stat. §54-2254. A copy of 9 C.F.R. part 85 is attached to these regulations as Appendix C and incorporated herein by reference.

004.38 OWNER shall mean any owner or authorized representative of the swine herd.

004.39 OWNER/SHIPPER PERMIT DOCUMENT TO MOVE QUARANTINED SWINE shall mean a document, attached to these regulations as Appendix L and incorporated herein by reference, signed by the owner and a department representative which allows the movement of pseudorabies-infected or pseudorabies-exposed swine. This document, unless otherwise required by the Bureau, may be used in lieu of individual Owners Notice of Shipment of Pseudorabies Quarantined Swine form PR-OSS or VS Form 1-27 when a quarantined herd owner is following an approved swine herd cleanup plan and has the capability of producing a record of swine movement and such record can be made available to department personnel upon request.

004.40 OWNERS NOTICE OF SHIPMENT OF PSEUDORABIES QUARANTINED SWINE FORM PR-OSS shall mean a document attached to these regulations as Appendix D and incorporated herein by reference, signed by the owner or shipper of pseudorabies-infected or pseudorabies-exposed swine which states: (1) the number of swine to be moved; (2) the points of origin and destination; (3) the name and address of the consignor and consignee; (4) herd identification number; (5) date and destination of shipment; and (6) any additional information required by the Bureau. A copy of such document, unless otherwise required by the Bureau, shall accompany the shipment and be delivered to the consignee.

004.41 PERSON shall mean any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

004.42 PORTION shall mean a number of swine according to the total number of swine in the herd. The number of swine constituting a portion of a swine herd is as follows: (1) in swine herds of less than 11 swine, the portion is all the swine; (2) in swine herds of 11 to and including 35 swine, the portion is 10 swine; and (3) in swine herds of 36 or more, the portion is 30 swine or 30% of the swine, whichever is less.

004.43 POSITIVE shall mean infected as determined by the department based upon results of an official test, Neb. Rev. Stat. §54-2255.

004.44 PREVALENCE shall be determined by dividing the number of quarantined premises in the state or area of the state by the number of swine herds in the state or in the respective area.

004.45 PROGENY shall mean offspring of a swine herd that are over 12 weeks and under 6 months of age.

004.46 PROGRAM AREA shall mean a portion of a county, an entire county, a group of adjacent counties, or part of or the entire state designated by the department to be given priority assignment of a program activity and state funds, Neb. Rev. Stat. §54-2258.

004.47 PSEUDORABIES shall mean the contagious, infectious, and communicable disease of livestock, variously known as Aujeszky's Disease, mad itch, PRV, or infectious bulbar paralysis, Neb. Rev. Stat. §54-2259.

004.48 PSEUDORABIES MONITORED HERD shall mean a swine herd which fulfills the qualifications of subsection 005.01.

004.49 QUALIFIED HERD shall mean a swine herd which has a status of qualified pseudorabies negative, qualified negative gene-altered vaccinated, qualified pseudorabies negative growout, or a swine herd located in a USDA/APHIS designated Stage IV or V Area.

004.50 QUALIFIED NEGATIVE GENE-ALTERED VACCINATED HERD shall mean a swine herd which fulfills the qualifications of subsection 005.03.

004.51 QUALIFIED PSEUDORABIES NEGATIVE HERD shall mean a swine herd which fulfills the qualifications of subsection 005.02.

004.52 QUALIFIED PSEUDORABIES NEGATIVE GROWOUT HERD shall mean a swine herd which fulfills the qualifications of subsection 005.04.

004.53 QUARANTINE shall mean restriction of: (1) Movement imposed by the department on (a) livestock, including one or more livestock classified suspect, positive, or exposed, (b) a herd which is reasonably suspected of being infected or exposed, (c) a swine herd when the swine herd owner refuses testing of his or her swine herd as required by the Pseudorabies Control and Eradication Act, (d) swine imported into the state in violation of the Animal Importation Act, or (e) swine imported into the state when a retest is required according to subdivision (4) of section 54-2290; and (2) Use imposed by the department of the premises, vehicles, and equipment used for such livestock or herd, Neb. Rev. Stat. §54-2260.

004.54 RANDOM-SAMPLE TEST (95/2) shall mean a sampling procedure utilizing official pseudorabies serologic tests which provides a 95 percent probability of detecting infection in a herd in which at least 2 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows:

Less than 100 head - test 78

100-200 head - test 105

201-999 head - test 138

1,000 and over - test 149.

004.55 RANDOM-SAMPLE TEST (95/5) shall mean a sampling procedure utilizing official pseudorabies serologic tests which provides a 95 percent probability of detecting infection in a herd in which at least 5 percent of the swine are seropositive for pseudorabies. Each segregated

group of swine on an individual premises must be considered a separate herd and sampled as follows:

Less than 100 head - test 45

100-200 head - test 51

201-999 head - test 57

1,000 and over - test 59.

004.56 RANDOM-SAMPLE TEST (95/10) shall mean a sampling procedure utilizing official pseudorabies serologic tests which provides a 95 percent probability of detecting infection in a herd in which at least 10 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows:

Test all up to 30 head.

004.57 RANDOM-SAMPLE TEST (95/20) shall mean a sampling procedure utilizing official pseudorabies serologic tests which provides a 95 percent probability of detecting infection in a herd in which at least 20 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows:

Test all up to 14 head.

004.58 RECOGNIZED SLAUGHTERING ESTABLISHMENT shall mean a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. §§601 et. seq.) or a state inspected slaughtering establishment. A copy of 21 U.S.C. §§601 et. seq. is attached to these regulations as Appendix F and incorporated herein by reference.

004.59 RESTRICTED PREMISES shall mean a premises under quarantine where infected, exposed, and other swine are finished for slaughter, Neb. Rev. Stat. §54-2261.

004.60 SEGREGATED GROUP shall mean swine which are part of a swine herd which are maintained separately, and which have a minimal interchange of swine, equipment, and personnel.

004.61 SLAUGHTER MARKET shall mean concentration points where all swine consigned are sold to go to a recognized slaughtering establishment.

004.62 SALE shall mean a sale, lease, loan, trade, or gift Neb. Rev. Stat. §54-2262.

004.63 STAGE shall mean a designation II, III, IV, or V assigned to a state or area of a state by the United States Department of Agriculture with respect to the prevalence of pseudorabies contained therein, Neb. Rev. Stat. §54-2262.01.

004.64 STAGE II STATUS SWINE HERD shall mean a swine herd that is not quarantined, suspended, monitored, or qualified, and is located in an area of a state which has been designated as a Stage II area by the USDA.

004.65 STAGE III STATUS SWINE HERD shall mean a swine herd that is not quarantined, suspended, monitored, or qualified, and is located in an area of a state which has been designated as a Stage III area by the USDA.

004.66 STAGE IV STATUS SWINE HERD shall mean a swine herd that is not quarantined or suspended, and is located in an area of a state which has been designated as a Stage IV area by the USDA.

004.67 STAGE V STATUS SWINE HERD shall mean a swine herd that is not quarantined or suspended, and is located in an area of a state which has been designated as a Stage V area by the USDA.

004.68 STATUS SWINE HERD shall mean a swine herd which has been given a title approved and assigned by the department according to the pseudorabies disease condition of the swine herd. Neb. Rev. Stat. §54-2263;

004.69 STATUS SWINE HERD APPLICATION AND AGREEMENT shall mean a form, attached to these regulations as Appendix G and incorporated herein by reference, which is signed by the owner of the swine herd and which states: (1) the status swine herd classification applied for; (2) the number of swine in the swine herd; and (3) any additional information required by the Bureau.

004.70 SURVEILLANCE shall mean testing done to determine the presence of pseudorabies in the state or a program area, Neb. Rev. Stat. §54-2264.

004.71 SUSPECT shall mean unable to be classified as positive or negative, as determined by the department, based on the results of an official test, Neb. Rev. Stat. §54-2265.

004.72 SWINE HERD shall mean (1) any group of swine maintained on common ground for any purpose or (2) two or more groups of swine under common ownership or supervision geographically separated but which have an interchange of swine without regard to whether the swine are infected or exposed, Neb. Rev. Stat. §54-2266.

004.73 SWINE HERD CLEANUP PLAN shall mean a written agreement (1) which is designed to eradicate pseudorabies from the swine herd pursuant to section 54-2277, (2) which is developed by the swine herd owner or the authorized representative of the swine herd owner and the development of which may include the veterinarian for such swine herd, and (3) which is approved by the department, Neb. Rev. Stat. §54-2267. A copy of such document is attached to these regulations as Appendix K and incorporated herein by reference.

004.74 TEST shall mean the action of examining a specimen from a donor swine to determine the presence or absence of evidence that pseudorabies virus is or has been present in such a swine.

004.75 TESTED shall mean the completion of the testing.

004.76 TESTING shall mean (1) the collection of a blood sample from a swine by or under the supervision of an accredited veterinarian, (2) submitting such blood sample to a laboratory which is approved by the administrator of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, and which is set out in the Veterinary Service Notice listing such laboratories, and (3) subjecting such blood sample to an official test, Neb. Rev. Stat. §54-2268.

004.77 USDA shall mean the United States Department of Agriculture.

004.78 VETERINARIAN shall mean an individual who is a graduate of a college of veterinary medicine, Neb. Rev. Stat. §54-2269.

004.79 VS shall mean Veterinary Services of APHIS.

004.80 VS FORM 1-27 shall mean an official document, attached to these regulations as Appendix H and incorporated herein by reference, issued for and prior to the interstate or intrastate movement of infected or exposed swine. Such document shall be issued by a VS representative of the USDA, the Bureau, or an accredited veterinarian and shall state: (1) the number of swine to be moved; (2) the purpose for which the swine are to be moved; (3) the points of origin and destination; (4) the name and address of the consignor and consignee; and (5) any additional information required to complete the form. Required distribution of this form is shown thereon.

005 General Procedures for Status Swine Herds.

005.01 Pseudorabies Monitored Herd Procedures.

005.01A Requirements. The requirements for a swine herd to obtain a pseudorabies monitored herd status are as follows:

005.01A1 The swine herd shall not have shown clinical signs of pseudorabies or have contained a positive swine during the previous 30 days;

005.01A2 A minimum of 90% of the breeding swine in the swine herd shall have been on the premises and part of the swine herd for at least 30 days prior to the required testing or have entered such a swine herd directly from a qualified herd, or have been tested and classified negative within 30 days prior to the addition to the herd. All the swine tested shall have been part of the swine herd for at least 30 days or shall have had contact with the swine herd for at least 30 days prior to the required testing;

005.01A3 A portion of the breeding swine over six months of age shall be tested and classified negative;

005.01A4 If the breeding swine are maintained on more than one premises, the required portion of the breeding herd to be tested shall be a representative sample of such swine on each premises. All swine so tested shall be classified negative;

005.01A5 In swine herds that contain no breeding swine, perform a random-sample test (95/10) of feeder swine. All swine tested shall have been part of the swine herd for at least 15 days;

005.01A6 The swine herd owner shall sign and submit to the Bureau, a status swine herd application and agreement; and

005.01A7 All swine herds located in the Stage III area which are not quarantined, suspended, or a qualified herd, shall have a status equivalent to a monitored herd.

005.01B Pseudorabies Monitored Herd Status Certificate. Following the receipt of the signed status swine herd application and agreement and the official test results indicating all swine tested were classified negative, the Bureau shall issue a pseudorabies monitored herd status certificate. This pseudorabies monitored herd status is valid for one year (365 days)(for exception see 005.01D2c) from the date of testing unless suspended, or the herd is quarantined. In herds that contain no breeding swine, the pseudorabies monitored herd status certificate shall be valid for 30 days from the date bled.

005.01C Requirements to Maintain a Pseudorabies Monitored Herd. The pseudorabies monitored herd status is maintained as follows:

005.01C1 In breeding herds, test a portion of the breeding swine every 330 to 365 days (for exceptions, see 005.01D2c) from the date of the previous test or status certification date and finding all swine tested classified negative; or

005.01C2 In herds that contain no breeding swine:

005.01C2a Perform a random-sample test (95/10) of each group of swine after a minimum of 15 days of assembly and within 30 days prior to change of ownership; or

005.01C2b Perform a random-sample test (95/10) of the oldest swine monthly if operating a continuous flow facility.

005.01D Pseudorabies Monitored Herd Status Suspended; Regained.

005.01D1 The Bureau may suspend the pseudorabies monitored herd status if: (1) any swine tested are classified suspect; or (2) herd additions are made contrary to 005.01G of these regulations; or (3) swine are diagnosed by a veterinarian as having pseudorabies based on the observance of clinical signs of pseudorabies.

005.01D2 Swine herds which have had a pseudorabies monitored herd status suspended may regain such status by:



005.01D2a Testing all swine which are classified suspect and all other swine as required by the Bureau and finding all such swine are classified negative; or

005.01D2b Removing all swine which are classified suspect and testing all swine as required by the Bureau, not less than 15 days after removal of the swine classified suspect and finding such swine are classified negative; and

005.01D2c The status certification date of a monitored herd whose status was suspended and status regained, shall be determined by the Bureau. It may be less than, but shall not exceed, 365 days from the date of the tests that permitted the release from suspension.

005.01D3 Movement of Swine While Under Suspension. Swine from a pseudorabies monitored herd during the time such herd's status is suspended may: (1) move to a restricted premises pursuant to 011.02 herein; or (2) move to an approved feeding facility pursuant to 011.01 herein; or (3) move for slaughter pursuant to 010.03 herein; or (4) move to an approved breeding facility pursuant to 010.02; or (5) move feeder swine intrastate, if such swine are isolated as required by the Bureau, and perform a random-sample test (95/10) or more, as required by the Bureau, with results classified negative and swine have not been added to or removed from the group during the previous 30 days.

005.01E Pseudorabies Monitored Herd Status Cancelled. The monitored herd status shall be cancelled if the herd owner fails to comply with requirements to maintain a pseudorabies monitored herd status in 005.01C.

005.01F Pseudorabies Monitored Herd Status Quarantined. The Bureau shall quarantine the monitored herd if: (1) any swine tested are classified positive; or (2) the herd owner fails to comply with the procedures for release from suspension after the herd has been suspended.

005.01G Herd Additions. Breeding swine to be added to a pseudorabies monitored herd shall be moved directly or through no more than one concentration point and such movement shall be without exposure to swine that: (1) have a Stage II status, and have not been tested within the last 30 days; (2) are from a suspended herd; or (3) are from a quarantined herd.

005.01G1 Breeding swine must (1) originate from a qualified herd; or (2) be tested and classified negative within 30 days prior to addition.

005.01G2 Feeder swine must (1) originate from a herd with a monitored or qualified status; or (2) perform a random-sample test (95/10) on Stage II intrastate origin feeder swine according to part 018.01B of these regulations.

005.01H Vaccination. The owner of a pseudorabies monitored herd may use a g1 deletion gene-altered pseudorabies vaccine, which has an approved differential test, to vaccinate the breeding swine in the pseudorabies monitored herd.

005.02 Qualified Pseudorabies Negative Herd Procedures.

005.02A Requirements. The requirements for a swine herd to obtain a qualified pseudorabies negative herd status are as follows:

005.02A1 The swine herd shall not have shown clinical signs of pseudorabies, have contained a positive swine, or have been under quarantine for pseudorabies in the previous 30 days;

005.02A2 All breeding swine over six months of age and a portion of the progeny shall have been tested and classified negative within the previous 30 days. All swine tested shall have been part of the swine herd for at least 30 days or shall have had contact with the breeding swine herd for at least 30 days, or have entered such a swine herd directly from a qualified herd;

005.02A3 When all swine are shipped directly from an existing qualified herd, a new qualified pseudorabies negative herd may be established if all swine in the initial shipment or 50 swine, whichever is less, are tested, provided such testing is done not less than thirty (30) nor more than sixty (60) days after arrival of the initial shipment. The identity of the qualified herd and the herd identification numbers from which the swine originated shall be submitted with the status swine herd application and agreement;

005.02A3a Herds established by this method shall test 10% of the herd monthly for requalification according to 005.02C1 until the herd size is established, at which time it is optional to requalify according to 005.02C2;

005.02A4 The swine herd owner shall sign and submit to the Bureau a status swine herd application and agreement;

005.02A5 If the breeding swine are maintained on more than one premises with an interchange of breeding swine, the breeding swine on each premises shall be tested and classified negative; and

005.02A6 If the progeny of a qualified pseudorabies negative herd are maintained on more than one premises with no interchange of swine, a portion of each segregated group of progeny shall be tested and classified negative.

005.02A7 All swine herds located in the Stage IV or Stage V area which are not quarantined, or suspended, shall have a status equivalent to a qualified herd.

005.02B Qualified Pseudorabies Negative Herd Status Certificate. Following the receipt of the signed status swine herd application and agreement, and official test results indicating all swine tested were classified negative, the Bureau shall issue a qualified pseudorabies negative herd status certificate. The qualified pseudorabies negative herd status is valid either monthly or quarterly according to the requalification schedule requested on the status swine herd application and agreement (for exception see 005.02A3a), unless suspended, cancelled, or the herd is quarantined.

005.02B1 The certification date of all qualified pseudorabies negative herds shall be the 25th of the month.

005.02B2 A request for change in requalification testing schedule shall be made on a status swine herd application and agreement submitted to the Bureau by the owner.

005.02C Requirements to Maintain a Qualified Pseudorabies Negative Herd. The qualified pseudorabies negative herd status is maintained by subjecting breeding swine over six months of age and the required progeny in the herd to testing. This shall be accomplished as follows:

005.02C1 When a monthly testing schedule is selected, the number of swine to be tested shall equal 10% of the breeding herd. Of this 10% sample, the swine to be tested shall consist of 80% breeding swine over six months of age and the remaining 20% of the 10% sample shall be progeny; or

005.02C2 When a quarterly testing schedule is selected, the number of swine to be tested shall equal 25% of the breeding herd. Of this 25% sample, the swine to be tested shall consist of 80% breeding swine over six months of age and the remaining 20% of the 25% sample shall be progeny; and

005.02C3 When there are no progeny in the herd, the swine to be tested shall consist of 100% breeding swine; and

005.02C4 If the breeding swine are maintained on more than one premises with an interchange of breeding swine, a representative sample of the breeding swine on each premises shall be tested and classified negative; and

005.02C5 If the progeny of a qualified pseudorabies negative herd are maintained on more than one premises with no interchange of swine, a portion of each segregated group of progeny shall be tested and classified negative.

005.02C6 On approval of the state veterinarian, herds in Stage III, IV, or V areas may maintain status by performing a random-sample test (95/5) in each segregated group of the breeding swine and performing a monthly test of 50 progeny. Sampling in the population must be random, and the testing protocol must be part of the approval.

005.02D Qualified Pseudorabies Negative Herd Status Suspended; Regained.

005.02D1 The Bureau may suspend the qualified pseudorabies negative herd status if: (1) any swine tested are classified suspect; or (2) herd additions are made contrary to part 005.02G; or (3) swine are diagnosed by a veterinarian as having pseudorabies based on the observance of clinical signs of pseudorabies.

005.02D2 A swine herd which has had its qualified pseudorabies negative herd status suspended, may regain such status by:

005.02D2a Testing all swine classified suspect and all other swine as required by the Bureau, and finding all such swine classified negative; or

005.02D2b Removing all swine which were tested and classified suspect, and testing all swine as required by the Bureau not less than 15 days after removal of the swine classified suspect and finding such swine classified negative.

005.02D3 Movement of Swine While Under Suspension. Swine from a qualified pseudorabies negative herd during the time such a herd's status is suspended may: (1) move to a restricted premises pursuant to 011.02 herein; or (2) move to an approved feeding facility pursuant to 011.01 herein; or (3) move for slaughter pursuant to 010.03 herein; or (4) move to an approved breeding facility pursuant to 010.02; or (5) move feeder swine intrastate if such swine are isolated as required by the Bureau, and a random-sample test (95/10) or more is performed, as required by the Bureau, with results classified negative and swine have not been added to or removed from the group during the previous 30 days; or (5) move breeding swine intrastate if each breeding swine to be moved is isolated and tested, as required by the Bureau, with results classified negative.

005.02E Qualified Pseudorabies Negative Herd Status Cancelled; Regained.

005.02E1 The qualified pseudorabies negative herd status shall be cancelled if the herd owner fails to comply with the requirements to maintain a qualified pseudorabies negative herd status in 005.02C.

005.02E2 Reinstatement of cancelled herds shall require testing the number of swine that would have been required to be tested to keep the herd qualified to the current date.

005.02F Qualified Pseudorabies Negative Herd Status Quarantined. The Bureau shall quarantine the qualified pseudorabies negative herd if: (1) any swine tested are classified positive; or (2) the herd owner fails to comply with the procedures for release from suspension after the herd has been suspended.

005.02G Herd Additions. Breeding swine to be added to a qualified pseudorabies negative herd shall be moved directly or through no more than one concentration point without exposure to swine which have not been individually tested and classified negative, or are from a Stage II or III status herd, a monitored herd, a suspended herd or quarantined herd and: (1) originate from a qualified herd; or (2) have been tested and classified negative within the 30 days prior to movement.

005.03 Qualified Negative Gene-Altered Vaccinated Herd Procedures.

005.03A Qualifications Requirements. The requirements for a swine herd to obtain a qualified negative gene-altered vaccinated herd status are as follows:

005.03A1 The swine herd shall not have shown clinical signs of pseudorabies, have contained a positive swine, or have been under quarantine for pseudorabies in the previous 30 days;

005.03A2 All breeding swine over six months of age and a portion of the progeny shall have been tested and classified negative within the previous 30 days. All swine tested shall have been part of the swine herd for at least 30 days or shall have had contact with the breeding swine herd for at least 30 days or have entered such a swine herd directly from a qualified herd.

005.03A3 When all swine are shipped directly from an existing qualified herd, a new qualified negative gene-altered vaccinated herd may be established if all swine in the initial shipment or 50 swine, whichever is less, are tested, provided such testing is done not less than thirty (30) nor more than sixty (60) days after arrival of the initial shipment. The identity of the qualified herd from which the swine originated shall be submitted with the status swine herd application and agreement.

005.03A3a Herds established by this method shall test 10% of the herd monthly for requalification according to 005.03C1 until the herd size is established, at which time it is optional to requalify according to 005.03C2.

005.03A4 Not more than 15 days after the breeding herd has been classified negative, all breeding swine in the herd over six months of age shall be vaccinated with a g1 deletion gene-altered pseudorabies vaccine which has an approved differential test if not already vaccinated with a g1 deletion gene-altered pseudorabies vaccine.

005.03A5 The swine herd owner shall sign and submit to the Bureau a status swine herd application and agreement;

005.03A6 If the breeding swine are maintained on more than one premises with an interchange of breeding swine, the breeding swine on each premises shall be tested and classified negative;

005.03A7 If the progeny of a qualified negative gene-altered vaccinated herd are maintained on more than one premises with no interchange of swine, a portion of each segregated group of progeny shall be tested and classified negative;

005.03A8 A swine herd which contains swine vaccinated for pseudorabies prior to the qualifying testing may achieve qualified negative gene-altered vaccinated herd status by following the requirements as set forth in 005.03A above, if all such vaccinated swine are g1 deletion gene-altered pseudorabies vaccinates;

005.03A9 All swine herds located in the Stage IV or Stage V area which are not quarantined, or suspended, shall have a status equivalent to a qualified herd.

005.03B Qualified Negative Gene-Altered Vaccinated Herd Status Certificate. Following the receipt of the signed status swine herd application and agreement and official test results indicating all swine tested are classified negative, the Bureau shall issue a qualified negative gene-altered vaccinated herd status certificate. The qualified negative gene-altered vaccinated herd status is valid either monthly or quarterly according to the requalification schedule requested on the status swine herd application and agreement, (for exceptions see 005.03A3a) unless suspended, cancelled, or the herd is quarantined.

005.03B1 The certification date of all qualified negative gene-altered vaccinated herds shall be the 25th of the month.

005.03B2 A request for change in requalification testing schedule shall be made on a status swine herd application and agreement submitted to the Bureau by the owner.

005.03C Requirements to Maintain a Qualified Negative Gene-Altered Vaccinated Herd. The qualified negative gene-altered vaccinated herd status is maintained by subjecting breeding swine over six months of age and the required progeny in the herd, to testing. This shall be accomplished as follows:

005.03C1 When a monthly testing schedule is selected, the number of swine to be tested shall equal 10% of the breeding herd. Of this 10% sample, the swine to be tested shall consist of 80% breeding swine over six months of age and the remaining 20% of the 10% sample shall be progeny; or

005.03C2 When a quarterly testing schedule is selected, the number of swine to be tested shall equal 25% of the breeding herd. Of this 25% sample, the swine to be tested shall consist of 80% breeding swine over six months of age and the remaining 20% of the 25% sample shall be progeny; 005.03C3 When there are no progeny in the herd, the swine to be tested shall consist of 100% breeding swine;

005.03C4 If the breeding swine are maintained on more than one premises with an interchange of breeding swine, a representative sample of the breeding swine on each premises shall be tested and classified negative; and

005.03C5 If the progeny of a qualified negative gene-altered vaccinated herd are maintained on more than one premises with no interchange of swine, a portion of each segregated group of progeny shall be tested and classified negative.

005.03C6 On approval of the state veterinarian, herds in Stage III, IV, or V areas may maintain status by performing a random-sample test (95/5) in each segregated group of the breeding swine and performing a monthly test of 50 progeny. Sampling in the population must be random, and the testing protocol must be part of the approval.

005.03D Qualified Negative Gene-Altered Vaccinated Herd Status Suspended; Regained.

005.03D1 The Bureau may suspend the qualified negative gene-altered vaccinated herd status if: (1) any swine tested are classified suspect; or (2) herd additions are made contrary to part 005.03G; or (3) swine are diagnosed by a veterinarian as having pseudorabies based on the observance of clinical signs of pseudorabies.

005.03D2 A swine herd which has had its qualified negative gene-altered vaccinated herd status suspended may regain such status by:

005.03D2a Testing all swine classified suspect and all other swine as required by the Bureau, and finding all such swine classified negative; or

005.03D2b Removing all swine which were tested and classified suspect, and testing all swine as required by the Bureau not less than 15 days after removal of the swine classified suspect and finding such swine are classified negative.

005.03D3 Movement of Swine While Under Suspension. Swine from a qualified negative gene-altered vaccinated herd during the time such a

herd's status is suspended may: (1) move to a restricted premises pursuant to 011.02 herein; or (2) move to an approved feeding facility pursuant to 011.01 herein; or (3) move for slaughter-pursuant to 010.03 herein; or (4) move to an approved breeding facility pursuant to 010.02; or (5) move feeder swine intrastate if such swine are isolated as required by the Bureau, and a random-sample test (95/10) or more is performed, as required by the Bureau, with results classified negative and swine have not been added to or removed from the group during the previous 30 days; or (5) move breeding swine intrastate if each breeding swine to be moved is isolated and tested, as required by the Bureau, with results classified negative.

005.03E Qualified Negative Gene-Altered Vaccinated Herd Status Cancelled; Regained.

005.03E1 The qualified negative gene-altered vaccinated herd status shall be cancelled if: the herd owner fails to comply with the requirements to maintain a qualified negative gene-altered vaccinated herd status in 005.03C.

005.03E2 Reinstatement of cancelled herds shall require testing the number of swine that would have been required to be tested to keep the herd qualified to the current date.

005.03F Qualified Pseudorabies Negative Gene-Altered Vaccinated Herd Status Quarantined. The Bureau shall quarantine the qualified pseudorabies negative gene-altered vaccinated herd if: (1) any swine tested are classified positive; or (2) the herd owner fails to comply with the procedures for release from suspension after the herd has been suspended.

005.03G Herd Additions. Breeding swine to be added to a qualified negative gene-altered vaccinated herd shall be moved directly or through no more than one concentration point without exposure to swine which have not been individually tested and classified negative or are from a Stage II or III status herd, a monitored herd, a suspended herd, or quarantined herd and: (1) originate from a qualified negative herd; or (2) have been tested and classified negative within the 30 days prior to movement.

005.04 Qualified Pseudorabies Negative Growout Herd Procedures.

005.04A Requirements. The requirements for a swine herd to obtain a qualified pseudorabies negative growout herd status are as follows:

005.04A1 All the swine in the herd shall have originated and moved directly from qualified herds; and

005.04A2 The swine herd shall not have shown clinical signs of pseudorabies, have contained a positive swine, or have been under quarantine for pseudorabies in the previous 30 days;

005.04A3 Perform a random-sample test (95/5) or test all the initial shipment, whichever is less. All swine tested shall be over 12 weeks of age and have been part of the herd for at least 30 days;

005.04A4 The swine herd owner shall sign and submit to the Bureau a status swine herd application and agreement; and

005.04A5 There shall be no farrowing conducted on the premises of a qualified pseudorabies negative growout herd.

005.04B Qualified Pseudorabies Negative Growout Herd Status Certificate. Following the receipt of the signed status swine herd application and agreement, and results of testing indicating all swine tested were classified negative, the Bureau shall issue a qualified pseudorabies negative growout herd status certificate. The qualified pseudorabies negative growout herd status is valid for 30 days from the date bled unless suspended, cancelled, or quarantined.

005.04C Requirements to Maintain a Qualified Pseudorabies Negative Growout Herd. The qualified pseudorabies negative growout herd status is maintained as follows:

005.04C1 Perform a random-sample test (95/5) monthly in units that do not operate all-in/all-out. The certification date shall be the 25th of the month; or

005.04C2 Perform a random-sample test (95/5) within 30 days prior to the removal of any swine from a unit that operates all-in/all-out. The certification date shall be 30 days from the date bled;

005.04C3 Swine moved from the qualified pseudorabies negative growout unit under 12 weeks of age will retain the status of the breeding herd from which they were farrowed.

005.04D Qualified Pseudorabies Negative Growout Herd Status Suspended; Regained.

005.04D1 The Bureau may suspend the qualified pseudorabies negative growout herd status if: (1) any swine tested are classified suspect; or (2) herd additions are made contrary to part 005.04G; or (3) swine are diagnosed by a veterinarian as having pseudorabies based on the observance of clinical signs of pseudorabies; or (4) any of the source herds are suspended or quarantined.

005.04D2 A swine herd which has had its qualified pseudorabies negative growout herd status suspended may regain such status by:

005.04D2a Testing all swine classified suspect and all other swine as required by the Bureau, and finding all such swine classified negative; or

005.04D2b Removing all swine which were tested and classified suspect, and testing all swine as required by the Bureau not less than 15 days after removal of the classified suspect swine and finding such swine classified negative; and

005.04D2c Completing an epidemiological investigation conducted by the Bureau with negative findings on the source herd or herds.

005.04D3 Movement of Swine While Under Suspension. Swine from a qualified pseudorabies negative growout herd during the time such a herd's status is suspended may: (1) move to a restricted premises pursuant to 011.02 herein; or (2) move to an approved feeding facility



pursuant to 011.01 herein; or (3) move for slaughter pursuant to 010.03 herein; or (4) move to an approved breeding facility pursuant to 010.02; or (5) move feeder swine intrastate if such swine are isolated as required by the Bureau, and a random-sample test (95/10) or more, as required by the Bureau, is tested with results classified negative and swine have not been added to or removed from the group to be moved during the previous 30 days; or (5) move breeding swine intrastate if each breeding swine to be moved is isolated and tested, as required by the Bureau, with results classified negative.

005.04E Qualified Pseudorabies Negative Offspring Growout Herd Status Cancelled. The qualified pseudorabies negative growout herd status shall be cancelled if: (1) the herd owner fails to comply with the requirements to maintain a qualified pseudorabies negative growout herd status in 005.04C; or (2) the herd additions are not in compliance with 005.04G.

005.04F Qualified Pseudorabies Negative Growout Herd Status Quarantined. The Bureau shall quarantine a qualified pseudorabies negative growout herd if: (1) any swine tested are classified positive; or (2) the herd owner fails to comply with the procedures for release from suspension after the herd has been suspended.

005.04G Herd Additions.

005.04G1 Swine to be added to a qualified pseudorabies negative growout herd shall originate and move directly from qualified herds.

005.04G2 In addition to the provisions of section 019, all swine added to a pseudorabies negative growout herd shall originate and move directly from herds with a qualified status.

006 Pseudorabies Testing Procedures. Swine tested shall be individually identified and such identification shall be recorded on the test chart.

007 Official Test. The official tests recognized for the diagnosis of pseudorabies, pursuant to Neb. Rev. Stat. §54-2254, shall include but not be limited to:

007.01 Microtitration Serum-Virus Neutralization Test;

007.02 Virus Isolation and Identification Test;

007.03 Fluorescent Antibody Tissues Section Test;

007.04 Enzyme Link Immunosorbent Assay (ELISA) Test, including the approved differential pseudorabies tests;

007.05 Latex Agglutination Test;

007.06 Polymerase Chain Reaction (PCR); and

007.07 Particle Concentration Fluorescent Immuno Assay (PCFIA) test, including approved differential pseudorabies tests.

008 Issuance of Quarantine. All livestock classified positive and all exposed livestock shall be placed under quarantine by the Bureau. A copy of the Pseudorabies Quarantine, NDA Form 21 is attached to these regulations as Appendix E and incorporated herein by reference.

009 Requirements of Quarantine.

009.01 The owner of all livestock under quarantine shall be responsible to control livestock in such a way as to prevent contact with other livestock.

009.02 Swine under quarantine may be vaccinated, tested, or both according to the requirements of the Bureau and moved according to the requirements set forth in section 010.

009.03 The owner of any vehicle which has transported livestock under quarantine or livestock known to be infected or exposed shall be responsible to clean and disinfect such vehicle prior to hauling feed stuff or swine other than to slaughter. Provisions shall be made by the owner of such vehicle for the disposal of all manure, litter, and feed removed from the vehicle into an area where it may not come in contact with other livestock.

009.04 When livestock other than swine have been diagnosed as having pseudorabies, the exposed livestock shall be quarantined and the Bureau shall conduct an epidemiological investigation of any swine on the premises. The investigation may include performing a random-sample test (95/10) of the swine herd. If the herd owner refuses to cooperate in carrying out the testing, the swine herd shall be suspected of being exposed and placed under quarantine.

009.05 The owner of a swine herd under quarantine shall, upon request, furnish a list to the Bureau of all sales, purchases, and other movements of breeding and feeding swine made to or from such herd up to two years prior to being placed under quarantine.

010 Movement of Swine Under Quarantine or Suspension.

010.01 The Bureau may allow the movement of swine from a premises under quarantine or suspension to another premises if it is determined by the Bureau that such a movement and the presence of the swine under quarantine on the premises of destination would not be detrimental to the livestock industry of Nebraska or contrary to the Act and a swine herd cleanup plan has been developed and approved by the Bureau prior to such movement. The destination premises and the swine thereon shall be under quarantine.

010.02 The owner of a swine herd under quarantine or suspension may request permission to develop an approved breeding facility to produce breeding swine. The Bureau shall grant this permission if the location of such facility would not be detrimental to the livestock

industry of Nebraska nor contrary to the Act. A swine herd cleanup plan shall be developed and approved prior to movement of swine to such facility. The approved breeding facility and the swine thereon shall be under quarantine. Swine from the approved breeding facility shall be returned to the farrowing facility under quarantine or move for slaughter; except, if the swine on the approved breeding facility are released from quarantine.

010.03 A VS FORM 1-27, Owners Notice of Shipment of Pseudorabies Quarantined Swine, or Owner/Shipper Permit Document to Move Quarantined Swine, shall accompany swine under quarantine or suspension during any movement, except swine herds that are operating under part 013.03A. Movements from these swine herds shall be as outlined in subpart 013.03A3.

010.04 Swine under quarantine or suspension may move for slaughter, to a restricted premises, an approved breeding facility, or an approved feeding facility.

#### 011 Quarantine Feeding Facilities.

##### 011.01 Approved Feeding Facility Procedure.

011.01A Qualification. An approved feeding facility may be established and approved by the Bureau for the purpose of receiving feeder swine under quarantine weighing less than 120 pounds if the state or area of the state is in Stage II or III as set out in Part III of Program Stages and Requirements of Pseudorabies Eradication State-Federal-Industry Program Standards, Effective January 1, 1996, as approved by the USDA, and if the Bureau determines that the establishment of such feeding facility would not be detrimental to the livestock industry of this state. Prior to the initial movement of feeder swine from a quarantined herd, the Bureau may require the performing of a random-sample test (95/10) of feeder swine under quarantine and such feeder swine shall be classified negative prior to movement to an approved feeding facility.

011.01B The person responsible for swine on an approved feeding facility shall also agree in writing to the following:

011.01B1 Perform a random-sample test (95/10) of swine on the approved feeding facility annually and be classified negative unless such premises has no swine for 30 consecutive days each year and is cleaned and disinfected during such 30 days. The Bureau shall inspect such facility and the herd owner shall furnish proof that the approved feeding facility had no swine for the stated 30 consecutive days; and

011.01B2 That the approved feeding facility shall be under quarantine and have a swine herd cleanup plan prior to approval; and

011.01B3 Records of vaccine purchases, swine purchases, swine sales, and other livestock movement information shall be made available for inspections and such records shall be maintained for two years from the date of transaction.

011.01B4 Swine from an approved feeding facility shall: (1) move to an approved feeding facility if a random-sample test (95/10) is performed and classified negative prior to movement; or (2) move to a restricted premises; or (3) move for slaughter. Such movements shall

be accompanied by a VS FORM 1-27, Owners Notice of Shipment of Pseudorabies Quarantined Swine, or owner/shipper permit document to move quarantined swine except, if the swine on the approved feeding facility are released from quarantine.

011.01B5 Swine shall be vaccinated for pseudorabies, prior to or on arrival at an approved feeding facility, if designated by the swine herd cleanup plan.

011.01B6 Quarantined feeder swine which move to an approved feeding facility shall originate directly from quarantined herds as designated by the swine herd cleanup plan; and

011.01B7 The Bureau shall be notified of each movement of feeder swine under quarantine to an approved feeding facility.

011.01C The Bureau shall cancel the approved feeding facility's approval and prohibit any movement of swine to such approved feeding facility if any part of 011.01 is violated, or if it is determined to be detrimental to the livestock industry of the state.

#### 011.02 Restricted Premises Procedures.

011.02A Qualifications. A restricted premises may be established if the state or area of the state is in Program Stage I or II of Part III of Program Stages and Requirements of Pseudorabies Eradication State-Federal-Industry Program Standards, Effective January 1, 1996, as approved by USDA, and if based upon an investigation of the premises involved, the available facilities, the adjoining land characteristics, the proximity of other livestock, and any other factors which may impact the decision, the Bureau determines that the establishment of such restricted premises would not be detrimental to the livestock industry of the state.

011.02B The person responsible for the swine on a restricted premises shall also agree in writing to the following:

011.02B1 That no swine to be used for breeding shall be maintained on this premises; however, cull sows and boars may be maintained for feeding purposes only.

011.02B2 All swine shall be isolated from other livestock.

011.02B3 Records of vaccine purchases, swine purchases, swine sales, and other movement information shall be kept, maintained and made available for inspection and such records shall be maintained two years from the date of transaction.

011.02B4 Swine from a restricted premises shall: (1) move to another restricted premises with prior approval from the Bureau; or (2) move for slaughter. Such movement shall be accompanied by a VS FORM 1-27, Owners Notice of Shipment of Pseudorabies Quarantined Swine; or owner/shipper document to move quarantined swine except, if the swine on the restricted premises are released from quarantine.

011.02B5 Swine shall be vaccinated for pseudorabies prior to or on arrival at a restricted premises as designated by the swine herd cleanup

plan.

011.02B6 Restricted premises shall be under quarantine and shall have a swine herd cleanup plan prior to approval.

011.02B7 The Bureau shall be notified of each movement of swine to a restricted premises.

011.02C The Bureau shall cancel a restricted premises approval and prohibit any movement of swine to such restricted premises if any part of subsection 011.02 is violated or if it is determined to be detrimental to the livestock industry of the state.

012 Release of Quarantine. Quarantines shall be released by the Bureau in the following instances:

012.01 When the entire swine herd under quarantine has moved for slaughter, or moved to a restricted premises, or moved to an approved feeding facility. The premises shall be cleaned and disinfected with a viricidal disinfectant following removal of all swine under quarantine and remain empty for 30 days or a period of time determined adequate by the Bureau. The premises shall be inspected by the Bureau to verify cleaning and disinfection has been accomplished before the quarantine may be released. If the premises is not cleaned and disinfected within a 30-day period, it shall be eligible for release at the end of 90 days following removal of the swine under quarantine; such premises shall be inspected and verified by the Bureau that the premises have been without swine for 90 days; or

012.02 When the state or area of the state is in Stage II or III, and the quarantined swine herd has (1) no farrowing activity, (2) replaced all of the swine present at the time the quarantine was issued, (3) not made additions of quarantined swine during the previous 30 days, and (4) performed not less than a random-sample test (95/10) if located in a Stage II area or a random-sample test (95/5) if located in a Stage III area of swine as designated by the swine herd cleanup plan and such swine are classified negative; or

012.03 When all swine which are tested and classified positive have been removed from the premises for 30 days or more and all breeding swine which remain in the swine herd and a random-sample test (95/10) if located in a Stage II area, a random-sample test (95/5) if located in a Stage III area, a random-sample test (95/2) if located in a Stage IV area has been performed on of each segregated group of progeny and classified negative. Such testing shall be completed within a period of time approved by the department; and

012.03A A post-quarantine test shall be performed consisting of a random-sample test (95/10) of each segregated group of progeny not less than 180 days, nor more than 365 days from the date of release of quarantine. Such testing is eligible for fee basis payment. If a swine herd owner refuses to test, the herd shall be suspected of being exposed to pseudorabies and placed under quarantine; or

012.04 If the state or area of the state is in Stage II or III, as set out in Part III of Program Stages and Requirements of Pseudorabies Eradication State-Federal-Industry Program Standards, Effective January 1, 1996, as approved by USDA, and the following criteria are met: (1) all swine present at the time the quarantine was issued shall have been removed from the swine herd for at least 30 days; and (2) there shall have been no clinical signs of pseudorabies in the herd for the previous six months; and (3) following such 30-day period described in (1) herein, perform a random-sample test (95/10) of the breeding herd, if located in a Stage II area, or random-sample test (95/5) if in a

Stage III area, and perform a random-sample test (95/10) of each segregated group of progeny. Such testing shall be completed within a period of time approved by the department; and (4) at least 90 days following the last testing described in (3) herein, perform a random-sample test (95/10) of the breeding herd, if located in a Stage II area, a random-sample test (95/5) if in a Stage III area, and a random-sample test (95/10) of each segregated group of progeny. Such testing shall be completed within a period of time approved by the department; and

012.04A A post-quarantine test shall be performed consisting of a random-sample test (95/10) of each segregated group of the breeding herd and a random-sample test (95/10) of each segregated group of progeny not less than 180 days, nor more than 365 days from the date of release of quarantine. Such testing is eligible for fee basis payment. If a swine herd owner refuses to test, the herd shall be suspected of being exposed to pseudorabies and placed under quarantine; or

012.05 If the state or area of the state is in Stage II or III as set out in Part III of Program Stages and Requirements of Pseudorabies Eradication State-Federal-Industry Program Standards, Effective January 1, 1996, as approved by the USDA, the entire breeding herd has been tested and all swine which are classified positive have been removed from the swine herd within seven days of testing, 30 days have elapsed from the date of removal of the swine classified positive from the premises, and there have been no clinical signs in the affected herd for at least six months. Following such 30-day period, two successive random-sample tests (95/10) of the breeding herd or, random-sample test (95/5) if in a Stage III area, shall be performed at least 90 days apart; and, two successive random-sample tests (95/10) of each segregated group of progeny shall be performed at least 90 days apart. All swine so tested shall be classified negative; and

012.05A A post-quarantine test shall be performed consisting of a random-sample test (95/10) of each segregated group of the breeding herd and a random-sample test (95/10) of each segregated group of progeny not less than 180 days, nor more than 365 days from the date of release of quarantine. Such testing is eligible for fee basis payment. If a swine herd owner refuses to test, the herd shall be suspected of being exposed to pseudorabies and placed under quarantine.

012.06 Quarantine of swine herds may be released by testing of such herds in addition to the procedures in this section if they are approved by the Bureau and are consistent with the eradication goals of this state; or

012.07 When an epidemiological investigation and swine herd history indicates that the diagnosis of pseudorabies is the result of vaccination reaction, the quarantine may be released. The epidemiological investigation shall be conducted under the direction of the Bureau and shall include the following:

012.07A The swine herd owner shall submit a signed statement that the swine testing positive were either vaccinated for pseudorabies or were the progeny from a vaccinated swine. The swine herd owner shall also state that the herd owner has not seen any clinical signs of pseudorabies in the herd; and

012.07B An accredited veterinarian who has observed the swine herd shall submit a signed statement that the accredited veterinarian has not seen clinical signs of pseudorabies in such herd; and

012.07C Evidence shall be submitted to document the use of pseudorabies vaccine in the herd. Acceptable evidence includes vaccine purchase records, pseudorabies vaccination approval forms, or other reliable evidence that the herd owner has vaccinated the swine herd for pseudorabies. A copy of the Pseudorabies Vaccination Approval, NDA Form 3 is attached to these regulations as Appendix J and incorporated herein by reference; or

012.08 A quarantine on livestock other than swine shall be released ten days after the diagnosis or exposure if there are no clinical signs of pseudorabies in the livestock herd. During this quarantine period, asymptomatic animals may be shipped directly to slaughter. A VS FORM 1-27 shall be issued and accompany each movement; or

012.09 In a swine herd in which swine are suspected of being exposed, the suspects and other swine in the herd, as required by the Bureau, shall be subjected to testing and classified negative; or

012.10 A quarantine shall be released when determined by the Bureau that it was incorrectly issued.

013 Swine Herd Cleanup Plan. The owner of a swine herd under quarantine shall develop a swine herd cleanup plan which shall be filed by the owner of the swine herd and approved by the Bureau within 30 days of issuance of the quarantine.

013.01 Testing requirements. The swine herd cleanup plan shall include testing requirements. Minimal initial requirements for such testing shall be to perform a random-sample test (95/10) of swine designated by the swine herd cleanup plan. Such testing is required each six months unless a written extension is granted by the veterinary field officer and approved by the state veterinarian. The testing schedule, the swine, and the number of swine required to be tested, shall be included in the swine herd cleanup plan.

013.02 Swine herd cleanup plan update requirements. Swine herd cleanup plans must be updated at least every six months in the Stage II area and at least every three months in the Stage III area by telephone or personal contact and the updated swine herd cleanup plan forwarded to the Bureau.

013.03 Swine herd cleanup plan time limits. Quarantined herds must meet the requirements for release from quarantine within 18 months of the date indicated on the quarantine or within 18 months after the adoptive date of these regulations, whichever is later.

013.03A Herds remaining on quarantine after the time period as specified in 013.03 above shall be required to:

013.03A1 Test all breeding swine and perform a random-sample test (95/10) of each segregated group of progeny. Repeat such testing each six months unless an extension has been granted by the state veterinarian;

013.03A2 Isolate all swine tested and classified positive or suspect from the herd within 15 days of notification by the Bureau;

013.03A3 All swine being moved from the quarantined facility to slaughter, shall be individually identified by an official eartag, and recorded

on a VS Form 1-27 by an accredited veterinarian, or if not individually identified, move in a vehicle sealed by an accredited veterinarian with the seal number recorded on the VS Form 1-27; and

013.03A4 Make no herd additions of swine to the quarantined swine herd unless written permission is given by the state veterinarian.

013.04 If a swine herd owner refuses to have the quarantined herd tested, the herd shall continue to be considered exposed to or infected with the pseudorabies virus. No herd additions of swine shall be made into such herd. The department may arrange for testing of required swine and the owner shall be assessed costs for services provided and expenses incurred, not to exceed actual costs. Such fees shall be paid to the Nebraska Department of Agriculture which shall remit them to the State Treasurer to be credited to the Pseudorabies Control Cash Fund. The total amount is due at the time the services are provided and expenses are incurred and will become delinquent 30 days thereafter.

014 Pseudorabies Surveillance. The Bureau shall implement surveillance procedures. Surveillance procedures shall be representative of all swine herds in the state or area of state. Such procedures may include, but shall not be limited to, testing of swine at slaughter establishments and at concentration points, area testing, circle testing, randomly selected herd testing, post-quarantine testing, and epidemiologically traced testing. If a swine herd owner refuses testing, the herd shall be suspected of being exposed to or infected with the pseudorabies virus and placed under quarantine.

014.01 Concentration point testing and slaughter surveillance testing procedures shall consist of testing of cull sows, boars, and butchers as required by the Bureau. All cull sows and boars shall be identified and subjected to testing as required by the Bureau either at the concentration point or at slaughter. Any blood sample which indicates the possibility of pseudorabies infection shall be classified by the Bureau. Further investigations by the Bureau may include an epidemiological investigation, and testing in the herd of origin if determined necessary by the epidemiological evaluation.

014.02 Trace-in/trace-out/testing.

014.02A Perform a random-sample test (95/10) of swine as required by the Bureau, in swine herds that have sold swine which were purchased by an owner of a pseudorabies affected herd.

014.02B Test all swine as required by the Bureau in swine herds in which the owner has purchased swine from an affected herd prior to the herd being known as an affected herd. If the number purchased constitutes 30 head or less, all swine purchased must be tested. If the number purchased constitutes 30 head or more, at least 30 head of such swine must be tested.

014.03 Circle Testing.

014.03A Perform a random-sample test (95/10) of each swine herd within a one-mile radius in a Stage II area (1½ miles in a Stage III area) of a premises which contains livestock under pseudorabies quarantine, according to the following:



014.03A1 Herds currently under quarantine in the circle area will not be offered an additional fee basis test; however, they will continue to test according to their swine herd cleanup plan.

014.03A2 Herds that have not tested within the 90 days previous to the quarantine shall be required to test, unless a waiver or extension is granted by the Bureau. Such testing shall be completed within 60 days of written notification.

014.03B If a herd is located in multiple circles of quarantined herds, a fee basis test shall not be paid more than once every 30 days.

014.04 An area testing program may be implemented by the Bureau when there is need for additional surveillance.

014.05 Surveillance of a premises which contained an affected swine herd and which has been depopulated and the quarantine released shall be accomplished by performing a random-sample test (95/10) of the swine used to repopulate the premises. Such swine to be tested shall have been on the premises for at least 30 days prior to the testing. To be eligible for use of fee basis funds, such testing shall be done within one year of the date of release from quarantine.

015 Classification of Concentration Points. The concentration points shall be classified based on the degree of exposure to Stage II swine or swine under quarantine or suspension while at the concentration point and the operational procedures of the concentration point. The classifications of concentration points are as follows:

015.01 An approved status swine concentration point is a concentration point which has been approved by the Bureau to handle swine from status swine herds, except those from a Stage II status or those that are suspended or quarantined. The owner of such a concentration point shall agree to the following:

015.01A The swine handling facilities, which shall include the chutes, pens, alleyways, scales, sales ring and associated equipment, shall be cleaned and kept in a good state of repair, and disinfected with a viricidal solution under the supervision of an accredited veterinarian when deemed necessary by the department or the market inspector.

015.01B Swine from a qualified, monitored, or a Stage III status swine herd presented for sale shall be accompanied by the herd identification number, or the laboratory accession number from the test chart. All breeding swine sold by laboratory accession number shall have been tested and classified negative within 30 days prior to the date of sale. All feeder swine sold by laboratory accession number shall have been tested and classified negative within 30 days prior to the date of sale (with the exception that Nebraska origin feeder swine shall meet the requirements of 018.01B of these regulations). The respective number shall be recorded with the seller's name in the concentration point's records and maintained for two years.

015.02 An approved all-class swine concentration point is a concentration point which has been approved by the Bureau to operate only in the Stage II area to handle swine from all herd statuses, including swine from a quarantined herd, a suspended herd, restricted premises, approved breeding facility, or approved feeding facility. The owner of such concentration point shall agree to the following:

015.02A Slaughter swine under quarantine or suspension and slaughter swine from a Stage II status swine herd may use common areas such as chutes, sale rings, alleys, and pens provided the facilities are cleaned and disinfected prior to being used by feeder or breeding swine on the same day; and

015.02B If all statuses of swine are under a common roof, the quarantined or suspended swine and untested swine from Stage II status swine herds shall not come within 10 feet of swine that were individually tested within the last 30 days prior to the date of sale or originated from qualified, monitored, or Stage III status swine herds, unless such swine are separated by a floor-to-ceiling solid partition.

015.02C If all statuses of swine are penned outside, the swine under quarantine or suspension and untested slaughter swine from a Stage II status swine herd shall not come within 10 feet of the swine or handling facilities used for swine from a qualified, monitored, or Stage III status swine herd or swine that were individually tested 30 days prior to the date of sale.

015.02D Swine presented for sale shall be accompanied by the herd identification number or laboratory accession number according to 015.01B and the number shall be recorded with the seller's name in the concentration point's records and maintained for two years.

015.03 A buying station/slaughter only market is a concentration point from which all swine entering the buying station facilities shall only move for slaughter.

015.03A Swine presented for sale shall be accompanied by the herd identification number and the number shall be recorded with the seller's name in the concentration point's records, or a customer list provided which includes the seller's name and address and which is maintained for two years.

015.04 Concentration Points exempt from classification:

015.04A Any place where a breeder or an association of breeders of livestock assemble their livestock to be offered for sale, and are sold under their own management; or

015.04B Any place where Future Farmers of America, 4-H groups, county fairs, or exhibitions conduct sales of livestock.

015.05 Swine from a quarantined or suspended swine herd presented for sale shall be accompanied by an Owners Notice of Shipment of Pseudorabies Quarantined Swine, VS FORM 1-27, or owner/shipper permit document to move quarantined swine, except swine herds that are operating under part 013.03A. Movements from these swine herds, shall be as outlined in subpart 013.03A3. The herd identification number shall be recorded with the seller's name in the concentration point's records and maintained for two years.

016 Statewide Priorities for the Expenditure of State Funds. The first use of state funds shall be for the personnel, overhead, and expenses of the Bureau in carrying out the Pseudorabies Control and Eradication Act. The second use of state funds shall be for the surveillance testing to find affected swine herds. The third use of state funds shall be to clean up the known affected swine herds. State funds may be used

simultaneously for finding affected swine herds and to clean up known affected swine herds if funds are available.

016.01 State funds may be used for all methods of surveillance.

016.02 State funds may be used for cleanup testing in an affected swine herd if a swine herd cleanup plan has been developed and approved by the Bureau (for exception see 016.03F).

016.03 Limitations. State funding for testing shall be limited in each swine herd according to the reason for test.

016.03A State funds, when appropriated and available, shall be allocated to clean up each affected herd. The accumulated use of state funds for cleanup testing in an affected herd shall not exceed two thousand dollars (\$2,000) during a state fiscal year which is from July 1 through June 30 of each year, except;

016.03A1 This limit does not apply to funds used for retesting animals classified suspect or testing additional animals as required by the epidemiologist and are not applied to other surveillance testing (trace-in/trace-out/testing, circle testing, or randomly selected herd testing).

016.03B State funds may be used to perform a random-sample test (95/10) of swine from a premises released from quarantine by depopulation when such premises are restocked. Eligibility for such testing requires that the samples must be drawn within 12 months of the release of quarantine date, and at least 30 days after restocking of the premises.

016.03C State funds may be used to pay accredited veterinarians according to the fee basis schedule for the collection of a blood sample from a swine which has been classified as suspect or other swine as requested by the epidemiologist when such blood sample collection has been authorized by the Bureau.

016.03D State funds may be used to pay accredited veterinarians for the collection of blood samples collected at concentration points. Such funds may be limited to payments according to the fee basis schedule and only as authorized by the Bureau.

016.03E State funds may be used to pay an approved laboratory for the labor and material to conduct official tests on specimens submitted from a swine herd which is required by the Bureau to perform surveillance testing or herd cleanup testing.

016.03F When circumstances occur requiring immediate action or attention, the epidemiologist may authorize fee basis testing prior to the development of an approved swine herd cleanup plan by the field staff. Such authorization shall not preclude the requirement to develop a swine herd cleanup plan according to section 013.

016.04 The fee basis payment schedule is as follows:

016.04A On-the-farm bleeding and submission of the blood samples:

Service fee = \$15

Bleeding swine = \$4.50 each

016.04B Concentration point bleeding and submission of blood samples:

Service fee = none

Bleeding swine = \$5 each

017 Intrastate Movement of Non-Quarantined Breeding Swine.

017.01 No person shall buy or sell swine to be used for breeding swine within the state of Nebraska unless the swine are accompanied by a document provided by the seller which provides proof of one of the following:

017.01A The swine originate directly from a qualified herd; or

017.01B The swine were tested and classified negative within 30 days prior to the movement; and

017.02 All swine changing ownership and moving to a destination in Nebraska shall move directly or through no more than one concentration point, and shall be confined to the premises of destination for not less than 30 days, unless moving for slaughter, or permission has been granted for other movement by the Bureau.

018 Intrastate Movement of Non-Quarantined Feeder Swine.

018.01 No person shall buy or sell feeder swine within the state of Nebraska unless the swine are accompanied by a document provided by the seller which provides proof of one of the following:

018.01A That the swine originate directly from a pseudorabies monitored herd, a pseudorabies qualified herd, a Stage III, IV, or V status herd; or

018.01B A random-sample test (95/10) of the feeder swine for sale was performed and classified negative within 30 days prior to movement and swine have not been added to or removed from the group during the previous thirty (30) days; and

018.02 All swine changing ownership and moving to a destination in Nebraska shall move directly or through no more than one concentration point, and shall be confined to the premises of destination for not less than 30 days, unless moving for slaughter, or permission has been

granted for other movement by the Bureau.

019 Interstate Movements. In addition to these regulations, all livestock moving into Nebraska shall meet the animal importation requirements under Neb. Rev. Stat. §§54-784.01 to 54-796 and regulations found in 23 NAC 2 and to the pseudorabies regulations adopted by the USDA found in 9 C.F.R. part 85 or shall originate from a pseudorabies free country as approved by the USDA.

019.01 All swine changing ownership and moving to a destination in Nebraska shall move directly or through no more than one concentration point, and shall be confined to the premises of destination for not less than 30 days, unless moving for slaughter, or permission has been granted for other movement by the Bureau.

020 Pseudorabies Vaccine Use.

020.01 The sale and use of pseudorabies vaccine shall be in accordance with the following procedures:

020.01A The vaccine shall be approved and licensed by the USDA and approved by the Bureau for use in Nebraska.

020.01B The vaccine shall be administered by a veterinarian or by another person as prescribed by a veterinarian and reported to the Bureau on a pseudorabies vaccination approval form.

020.01C After July 1, 1992, only g1 deletion gene-altered pseudorabies vaccines which have an approved differential test will be allowed for use in swine unless written permission is given by the state veterinarian allowing a substitution for g1 deletion gene-altered pseudorabies vaccines.

021 Exhibition of Swine.

021.01 Only swine from a herd not quarantined or suspended and not showing signs of infectious, contagious or communicable diseases will be allowed into exhibition.

021.02 Swine entering the state for exhibit in Nebraska shall meet the animal import requirements under Neb. Rev. Stat. §§54-784.01 to 54-796 and the rules and regulations adopted and promulgated under it and the exhibition requirements of this section.

022 Feral Swine. Feral swine may be reclassified as domestic swine by a negative official brucellosis and a negative official pseudorabies test performed after at least 60 days confinement, separate and apart from any brucellosis or pseudorabies infected or free roaming swine.

023 Stage IV or V Status Lost; Regained. If the state or area of the state has a Stage IV or V status and a confirmed case of pseudorabies is diagnosed, the department shall follow the recommendations of USDA/APHIS as far as reasonably practical to initiate procedures to regain status.

024 Swine Semen or Swine Embryos. Swine semen or swine embryos for insemination of swine or implantation into swine shall originate from swine with a qualified status. If originating from a Stage II or III area, such originating qualified herd shall be required to test monthly.

025 Publications Adopted. See Appendix A through M.

026 Annotation. Neb. Rev. Stat. §§54-701 to 54-753 and §§54-2235 to 54-22,100 (Reissue 1993, and Cum. Supp. 1996).

## APPENDIX

A. Code of Federal Regulations 9 C.F.R., Part 161 - Requirements and Standards for Accredited Veterinarians and Suspension or Revocation of Such Accreditation

B. Certificate of Veterinary Inspection, Form A 237, 7/86

C. Code of Federal Regulations 9 C.F.R., Part 85 - Pseudorabies

D. Owners Notice of Shipment of Pseudorabies Quarantined Swine, Form PR-OSS

E. Pseudorabies Quarantine, NDA Form 21, 8/91

F. Federal Meat Inspection Act

G. Pseudorabies Herd Status Application, NDA Form 23, 9/91

H. Permit For Movement of Restricted Animals, VS FORM 1-27

I. Herd Status Certificate

J. Pseudorabies Vaccination Approval, NDA Form 3

K. Pseudorabies Herd Cleanup and Agreement, NDA Form 49, 6/92

L. Owner/Shipper Permit Document to Move Quarantined Swine

M. Part III of Pseudorabies Eradication State-Federal-Industry Program Standards Effective January 1, 1996